



A
DISCOVERIE
OF THE TRVE CAU-
ses why IRELAND was neuer entire-
ly Subdued, nor brought vnder Obedience of
the Crowne of ENGLAND, vntill the
Beginning of his Maiesties hap-
pie Raigne.



Printed for Iohn Iaggard, dwelling within Temple
Bar, at the Signe of the Hand and Star.

I 6 I 2.

Davies, Sir J.



Dedicated

TO
THE KING,

By his MAJESTIES
Attorney Generall,
of IRELAND.

PRINCIPIS EST VIRTUS MAXIMA,
NOSSE SVOS.

A Discouery of the true
*causes, why IRELAND was ne-
 uer entirely subdued, and brought
 vnder Obedience of the Crowne
 of ENGLAND, untill the begin-
 ning of his MAIESTIES hap-
 py raigne.*



Vring the time of my
 Service in IRELAND
 (which began in the
 first yeare of his Ma-
 iesties raigne) I haue
 visited all the Prouin-
 ces of that Kingdome,
 in sundry iournies and circuits. Wherein
 I haue obserued the good *Temperature* of
 the *Ayre*; the *Fruitfulnessse* of the *Soyle*;
 the pleasant and commodious seats for ha-
 bitation; the safe and large Ports and Ha-
 uens

uens lying open for Trafficke, into all the West parts of the world; the long *Inlets* of many Nauigable Riuers, and so many great *Lakes*, and fresh Ponds within the Land; (as the like are not to be seene in any part of *Europe*) the rich *Fishings*, and Wilde *Fowle* of all kinds; and lastly, the *Bodies* and *Minds* of the people, endued with extraordinarie abilities of Nature.

THe obseruation whereof, hath bred in mesome curiositie, to consider, what were the true causes, why *this Kingdome*, whereof our Kings of *England* haue borne the Title of *Soueraign Lords* for the space of foure hundred and odde yeares (a period of time wherein diuers great Monarchies haue risen from Barbarisme to Ciuillitie, and fallen againe to ruine) was not in all that space of time, thoroughly subdued and reduced to Obedience of the Crowne of *England*, although there hath

hath been almost a continuall warre between the *English* and the *Irish*; and why the maners of the meere *Irish* are so little altered since the dayes of King *Henry* the second, as appeareth by the description made by *Giraldus Cambrensis*, who liued and wrote in that time) albeit, there haue bin since that time, so many *English Colonies* planted in *Ireland*, as that, if the people were numbered at this day by the Poll, such as are descended of English race, would bee found more in number, then the ancient Natiues.

AND truly, vpon consideration of the conduct and passage of affaires in former times, I find, that the *State* of *England* ought to be cleared of an imputatiō, which a vulgar error hath cast vpon it, in one point; namely, That *Ireland* long since might haue bene subdued and reduced to Ciuility, if some Statesmen in policy, had not thought it more fit to continue that

B

Realme

Realme in Barbarisme. Doubtlesse, this vulgar Opinion (or report) hath no true ground, but did first arise either out of Ignorance, or out of Malice. For it will appeare by that which shal heereafter be laide downe in this Discourse, that euer since *Our Nation* had any footing in this Land, the State of *England* did earnestly desire, and did accordingly endeavour from time to time, to perfect the Conquest of this kingdom, but that in every age there were found such impediments & defects in both Realmes, as caused almost an impossibility, that thinges should haue bin otherwise then they were.

Two maine
impediments
of the conquest.

THe Defects which hindred the *Perfection* of the Conquest of *Ireland*, were of two kinds, and consisted; first, in the faint prosecution of the warre, and next, in the loosenesse of the ciuill Government. For, the husbandman must first breake

breake the Land, before it bee made capeable of good seede: and when it is thoroughly broken and manured, if he do not forthwith cast good seed into it, it will grow wilde againe, and beare nothing but Weeds. So a barbarous Country must be first broken by a warre, before it will be capeable of good Government; and when it is fully subdued and conquered, if it bee not well planted and governed after the Conquest. it wil est-soones return to the former Barbarisme.

TOuching the carriage of the *Martiall affaires*, from the seuenteenth yeare of King *Henry* the second, when the first ouerture was made for the Conquest of *Ireland* (I meane the first after the Norman Conquest of *England*) vntill the nine and thirtith yeare of Queene *ELIZABETH*, when that Royall army was sent ouer to suppress *Tirones* Rebellion, which made

The faint prosecution of the warre.

in the end an vniuersall and absolute conquest of all the *Irishrie*: it is most certaine, that the English forces sent *hither*, or raised heere from time to time, were euer too weake to subdue and master so many warlike Nations (or Septs) of the Irish, as did possesse this Island; and besides their weaknesse, they were *ill paide*, and *worse Governed*. And if at any time there came ouer an army of competent strength and power, it did rather terrifie, then breake and subdue this people, being euer *broken* and *dissolued* by some one accident or other, before the perfection of the Conquest.

What is a
perfect Con-
quest.

FOR, that I call a *Perfect Conquest* of a Country, which doth reduce all the people thereof to the Condition of *Subiects*: and those I cal *Subiects*, which are gouerned by the ordinary Lawes and Magistrates of the *Soueraigne*. For, though the Prince doth beare the Title of *Soueraigne Lord* of an entire coun-

try (as our Kings did of all *Ireland*) yet if there bee two third parts of that Countrey wherein he cannot punish Treasons, Murders, or Thefts, vnlesse he send an Army to do it; if the Iurisdiction of his ordinary Courts of Iustice doth not extend into those parts to protect the people from wrong & oppression; if hee haue no certaine Reuennew, no Escheats or Forfeitures out of the same, I cannot iustly say, that such a Countrey is wholly conquered.

First then, that wee may iudge and discern whether the *English* forces in *Ireland* were at any time of sufficient strength, to make a full and finall Conquest of that Land, let vs see what extraordinary armies haue bin transmitted out of *England* thither, and what ordinarie forces haue beene maintained there, and what seruice they haue performed from time to

How the war
hath bin pro-
secuted since
the 17. yeare
of Henry the
second.

time, since the seauenteenth yeare of King *Henry* the second.

In the time of
Henry the se-
cond.

IN that yeare, *Mac Murugh* Lord of *Leinster*, beeing oppressed by the Lords of *Meib* and *Conaght*, and expelled out of his Territorie, mooued King *Henry* the second to inuade *Ireland*, and made an ouerture vnto him for the obtaining of the Soueraigne Lordship thereof. The King refused to vndertake the Warre himselfe, to auoide the charge (as King *Henric* the seuenth refused to vndertake the discouery of the *Indies* for the same cause) but he gaue license by his Letters Patents, that such of his Subiects might passe ouer into *Ireland*, as wold at their owne charge become aduenturers in that enterprize.

Giraldus Cam-
brensis.

The first at-
tempt but an
aduenture of
priuate Gen-
tlemen.

SO as the first attempt to conquer this Kingdome, was but an aduenture of a few priuate Gentlemen. *Fitz-Stephen*, & *Fitz-Girald*

Girald, first brake the yce, with a party of three hundred ninety men. The Earle Strongbow followed them with twelue hundered more, whose good successe vpon the Sea-coasts of *Leinster* and *Mounster*, drew ouer the King in person the next year after, *cum quingentis Militibus*, as *Giraldus Cambrensis* reporteth, who was present in Ireland at that time. Which if they were but five hundered souldiers, seemeth too smal a traine for so great a Prince. But admit they wer five hundred knights, yet because in those dayes euery Knight was not a Commaunder of a Regiment or Company, but most of them serued as priuate men, (sometimes a hundered Knightes vnder a *Speare*) as appeareth by the Lists of the ancient armies, we cannot coniecture his army to haue beene so great, as might suffice to conquer all Ireland, being diuided into so many Principalities, and hauing so manie *Hydraes* heads,

With what
forces the K.
himselſe came
ouer.

*Archib. Remem.
Regis apud
Westm.*

heads, as it had at that time.

For albeit, *Tacitus* in the life of *Agricola* doth report, that *Agricola* hauing subdued the greatest part of Great Britaine, did signifie to the Senat of Rome, that he thought *Ireland* might also be conquered with one Legion, and a few ayds: I make no doubt, but that if he had attempted the conquest thereof with a farre greater army, he would haue found himselfe deceiued in his coniecture. For, a Barbarous Country
 “ is not so easily conquered, as a Ciuill,
 “ whereof *Cæsar* had experience in his
 “ warres against the *Gaules*, *Germanes*,
 “ and *Britaines*, who were subdued to
 “ the Roman Empire, with farre greater
 “ difficulty, then the rich kingdoms
 “ of *Asia*. And againe, a Countrey possessed
 “ with many pettie Lordes and
 “ States, is not so soone brought vnder
 “ entirely, as an entire Kingdome Governed
 “ by one Prince or Monarch.
 “ And therefore, the late King of *Spaine*
 could

could sooner win the Kingdome of
 Portugall, then reduce the States of
 the Low-Countries.

BVt let vs see the successe of King
 Henrie the second, doubtlesse his
 expedition was such, as he might haue
 said with Caesar: *veni, vidi, vici*. For,
 vpon his first arriual, his very *Presence*
 without drawing his sword, preuailed
 so much, as al the *Petty-Kings*, or *Great*
Lords within *Leinster*, *Conaght*, and
Mounster, submitted themselues vnto
 him, promised to pay him tribute, &
 acknowledged him their chiefe and
 Soueraigne Lord. Besides, the better
 to assure this inconstant Sea-Nymph
 (who was so easily wonne) the Pope
 would needs giue her vnto him with
 a Ring; *Coniugio iungam stabili, propriam-*
que dicabo. But as the Conquest was but
 slight and superficial!, so the *Popes Do-*
nation, and the *Irish Submissions*, were but
 weake and fickle assurances. For, as the

What maner
 of Conquest
 King Henrie
 the second
 made of Ire-
 land.

C

Pope

Pope had no more interest in this kingdome, then *He* which offered to Christ all the kingdomes of the earth; so the Irish pretend, *That by their Law, a Tanist might do no Act that might bind his successor.* But this was the best assurance hee could get from so many strong Nations of people, with so weake a power: and yet he was so well pleased with this title of the *Lordship of Ireland*, as he placed it in his *Royall Stile*, before the *Dutchies of Normandy & Aquitaine.* And so, being aduertised of some stirs raised by his vnnatural sonnes in *England*, within five months after his first arriuall, hee departed out of *Ireland*, without striking one blow, or building one Castle, or planting one Garrison among the Irish, neither left he behinde him one true subiect more then those he found there at his coming ouer, which were onely the *English Adventurers* spoken of before, who had gained the Port Townes in *Leinster*

Leinster and *Mounster*, and possessed some scopes of land thereunto adioyning, partly by *Strongbomes* alliaunce with the Lord of *Leinster*, and partly, by plaine inuasion and Conquest.

And this is that Conquest of King *Henry* the second, so much spoken of, by so many Writers, which though it were in no other manner then is before expressed, yet is the entire Conquest of all *Ireland*, attributed vnto him.

But the troth is, the conquest of *Ireland* was made peece and peece, by flow steppes and degrees, and by feuerall attempts, in feuerall ages. There were sundry reuolutions, as well of the English fortunes, as of the Irish; some-whiles one preuailing, some-whiles the other, and it was neuer brought to a full period, till his Maiesty that now is, came to the Crowne.

As for King *Henry* the second, hee was farre from obtaining that Monar-

chy Royall, and true Soueraignetie which his Maiesty (who nowe reigneth) hath ouer the Irish. For the Irish Lords did onely promise to become Tributaries to King *Henry* the second. And such as pay onely *Tribute*, though they bee placed by *Bodin*, in the first degree of *Subiection*, are not properlie *Subiects* but *Soueraignes*. For, though they bee lesse and inferiour vnto the Prince to whom they pay *Tribute*, yet they hold all other pointes of *Soueraignty*; and hauing paide their *Tribute* which they promised, to haue their peace, they are quit of all other duties, as the same *Bodin* writeth. And therefore, though King *Henry* the second had the title of *Soueraigne Lorde* ouer the Irish, yet did he not put those thinges in execution, which are the true markes and differences of *Soueraignty*.

Bodin de Repub.

The true
markes of
Soueraignty.

For, to giue Lawes vnto a people, to
institute

institute Magistrats and Officers ouer them; to punish and pardon Malefactors; to haue the sole authority of making warre and peace, and the like; are the true markes of Soueraignetie; which King *Henry* the second had not in the Irish Countreyes, but the Irish Lords did still retaine all these prerogatiues to themselves.

For they gouerned their people by the *Brehon Law*; they made their owne Magistrates and Officers; they pardoned and punnished all Malefactours within their feuerall Countries; they made warre and peace one with another, without controulment, and this they did not onely during the raigne of King *Henry* the second, but after-wardes in all times, euen vntill the Raigne of Queen *Elizabeth*: And it appeareth what maner of subiects these Irish Lords were, by the Concorde made betweene K. *Henrie* the second, and *Rodericke ô Connor* the Irish King

*Houeden in
Henrico secun-
do. fol. 312.*

of Conaght, in the yeare 1175. which is recorded by Houeden in this forme: *Hic est finis & Concordia, inter Dominū regem Angliæ Henricū, filiū Imperatricis, & Rodericum Regem Conactæ, scilicet, quod Rex &c. Angliæ concessit prædicto Roderico Ligeo homini suo, vt sit Rex sub eo paratus ad seruitium suum, vt homo suus, &c.* And the Commission, whereby King Henry the second made William Fitz-Adelme his Lieutenant of Ireland, hath this direction; *Archiepiscopis, Episcopis, Regibus, Comitibus, Baronibus, & omnibus fidelibus suis in Hibernia, Salutem.* Whereby it is manifest, that hee gaue those Irish Lords the Title and stile of Kinges.

*6. Iohannis
Claus. membra-
na. 18.
17. Iohannis
Chart. m. 3.*

*6. Hen. 3. chart.
m. 2.*

King Iohn likewise did grant diuers Charters to the King of Conaght, which remaine in the Tower of London. And afterwards in the time of King Henrie the third, wee finde in the Tower, a graunt made to the King of Thomond, in these words. *Rex Regi Tosmond salutem. Concessimus vobis terram Tosmond quam*

quam prius tenuistis, per firmam centum & triginta marcarum; Tenendum de nobis vsq; ad ætatem nostram. And in the pipe Rols remaining in *Bremighams Tower*, in the Castle of *Dublin*, vpon fundrie Accompts of the Seneshal of *Ulsler* (when that Earledome was in the Kings hands, by reason of the minority of the Earle) the entry of all such charges as were made vppon *Oneale*, for Rent-Beeues, or for aids towards the maintenance of the Kings warres, are in this forme. *Oneal Regulus 400. vaccas pro arreragio Reddit; Oneal Regulus, 100 li. de Auxilio Domini Regis ad guerram suam in wasconia sustinendam.* And in one Rol the 36. of Henry the third, *Oneale Rex, 100 li. de auxilio domini Regis ad guerram suam in Vallia sustinendam.* Which seemed strange to me, that the Kings ciuill Officer should giue him that stile vpon Record, vnlesse he meant it in that sense as *Maximilian* the Emperour did, when speaking of his disobedient

Archiu. in Casiro Dublin.

42. Hen. 3.
Comptus Will. de la Zouch.

36. Hen. 3.
comptus Huberti de Rouly.

“ ent Subiects ; The Title (saide he). of
 “ Rex Regum, doth more properly be-
 “ long to mee, then to any mortall
 “ Prince, for all my subiects do liue as
 “ Kings, they obey me in nothing, but
 “ do what they list. And truely, in that
 sence these Irish Lords might not vn-
 fitly be tearmed Kings. But to speake
 in proper termes, wee must say with
 the Latine Poet, *Qui rex est, Regem,
 Maxime non habeat.* But touching these
 Irish Kings, I will adde this note out
 of an ancient Manuscript, the blacke
 Booke of Christ-Church in Dublin. *Isti
 Reges non fuerunt ordinati solemnitate ali-
 cuius ordinis, nec vnctionis Sacramento, nec
 iure hæreditario, vel aliqua proprietatis suc-
 cessione, sed vi & armis quilibet Regnẽ suum
 obtinuit :* and therefore, they had no
 iust cause to complaine, when a stron-
 ger King then themselues, became a
 King and Lord ouer them. But let vs
 returne to our purpose, and see the
 proceeding of the Martiall affaires.

King

King Henry the second, being returned into England, gaue the Lordship of *Ireland* vnto the Lord *Iohn* his youngest sonne, sur-named before that time, *Sans Terre*. And the Pope confirming that guift, sent him a Crowne of Pea-cockes feathers (as Pope *Clement* the eight, sent the Feather of a *Phœnix* (as he called it) to the Traitor *Tirone*.) This young Prince the Kings sonne, being but twelue years of age, with a traine of yong Noblemen and Gentlemen, to the number of 300. but not with any maine army, came ouer to take possession of his new Patrimony, and being arriued at *Waterford*, diuers Irish Lords (who had submitted themselues to his father) came to performe the like duty to him. But that youthfull company vsing them with scorne, because their demeanors were but rude and barbarous, they went away much discontented, and raised a generall rebellion against him.

How the war was prosecuted in the time of King *Iohn*.

Giraldus Cambrensis.

Giraldus Cambrensis.

him. Whereby it was made manifest, that the *Submission of the Irish Lords, and the Donation of the Pope, were but slender and weake assurances for a kingdome.*

Heereupon this young Lord was reuoked, and Sir *Iohn de Courcy* sent ouer, not with the kings armie, but with a company of *Voluntaries*, in number foure hundered, or thereabout. With these he atempted the conquest of *Ulster*, and in foure or fiue encounters, did so beate the Irishry of that Prouince, as that he gained the *Maritime Coasts* thereof, from the *Boyne* to the *Bann*; and thereupon, was made Earle of *Ulster*. So as now the English had gotten good footing in all the Prouinces of *Ireland*. In the first three Prouinces of *Leinster*, *Mounster*, and *Conaght*, part by the sword, and part by submission and alliance. And lastly, in *Ulster*, by the inuasion and victories of Sir *Iohn de Courcy*.

From this time forward, vntill the
seuen-

Giraldus Cambrensis.

seuenteenth year of King Iohn (which was a space of more then 30. yeares) there was no army transmitted out of England, to finish the Conquest. howbeit in the meane time, the English Aduenturers and Colonies alreadie planted in Ireland, did winne much ground vpon the Irish; Namely, the Earle Strongbow, hauing married the Daughter of Mac Murrogh, in Leinster; the Lacies in Meth; the Giraldines, and other Aduenturers in Mounster, the Audeleyes, Gernons, Clintons, Russels, and other Voluntaries of Sir Iohn de Courcys retinue, in Ulster; and the Bourkes (planted by William Fitz-Adelme) in Conaght. Yet were the English reputed but Part-Owners of Ireland at this time, as appeareth by the Commission of the Popes Legate in the time of King Richard the first, whereby he had power to exercise his Iurisdiction, in *Anglia, wallia, ac illis Hiberniæ partibus, in quibus Iohannes Moretonij Comes pote-*

D 2

statem

Matth. Paris
in Richardo
primo fo. 1519.

statem habet et dominium, as it is recorded by *Mat. Paris.*

Matth. Paris.

King *Iohn*, in the twelfth year of his raigne, came ouer again into Ireland: the Stories of that time say, With a great army, but the certaine numbsrs are not recorded: yet it is credible, in regard of the troubles where-with this King was distressed in England, that this army was not of sufficient strength to make an entire Conquest of Ireland; and if it had bin of sufficient strength, yet did not the King stay a sufficient time to performe so great an action, for he came ouer in Iune, & returned in Septem. the same yeare. Howbeit in that time, the Irish Lords for the most part, submitted theselues to him, as they had done before to his Father: which was but a meere mockery & imposture. For his backe was no sooner turned, but they returned to their former rebellion: & yet this was reputed a *second Conquest*. And so
this

this King giuing order for the building of some Castles vpon the Borders of the English Colonies, left behinde him the *Bishop of Norwich*, for the ciuill gouernment of the Lande; but he left no standing army to prosecute the conquest: onely the English Colonies which were alreadie planted, were left to themselves to maintaine what they had got, and to gaine more if they could.

The personall presence of these two great Princes, King *Henry* the second, and King *Iohn*, though they performed no great thing with their armies, gaue such countenaunce to the English Colonies, which encreased dayly by the comming ouer of new voluntaries and aduenturers out of England, as that, they enlarged their Territories verie much. Howbeit after this time the kings of England, either because they presumed that the English Colonies were

strong enough to roote out the Irish by degrees, or else because they were diuerted or disabled otherwise (as shall bee declared heereafter) neuer sent ouer any Royall armie, or anie numbers of men worthy to be called an army into Ireland, vntill the thirty six yeare of king *Edward* the thirde, when *Lionell* Duke of *Clarence*, the kings second sonne, hauing married the daughter and heyre of *Ulster*, was sent ouer with an extraordinary power in respect of the time (for the warres betwixt *England* and *Fraunce*, were then in their heate) aswell to recouer his Earledome of *Ulster*, which was then ouer-run & posselt by the Irish, as to reforme the English Colonies, which were become strangely degenerate throughout the whole kingdome.

FOR though king *Henry* the thirde, gaue the whole Land of *Ireland* to *Edward* the Prince, his eldest son, and his

his heyres, *Ita quod non Separetur a Corona Anglie*. Whereupon it was stiled the Land of the Lorde Edward, the kings eldest sonne: and all the Officers of the Land, were called the Officers of Edward Lord of IRELAND; and though this Edward were one of the most active Princes that euer liued in England, yet did he not either in the life time of his father, or during his own raign, come ouer in person, or transmit any armie into Ireland, but on the other side, he drew fundry ayds & supplies of men out of Ireland, to serue him in his warres in Scotland, wales, and Gascoigne. And again, though king Edw: the second sent ouer Piers Ganeſton with a great retinue, it was neuer intended he should perfect the Conquest of Ireland; for the K. could not want his company so long a time, as must haue beene spent in the finishing of so tedious a worke.

So then, in all that space of time,
betweene

This Charter yet remaineth perfect, with an entire Scale in the Treasury at Westminster.

Archiu. in Castro Dublin.

& Archiu.

Turr. 52 Hen.

3. patent. m. 9.

How the martiall affayres were carried from the 12. yeare of king Iohn, to the 36 yeare of King Edward the 3.

betweene the twelfth yeare of king Iohn, and the 36. yeare of king Edward the third, containing 150. years, or thereabouts, although there were a continuall bordering war between the English and the Irish, there came no royall army out of England, to make an end of the warre. But the chiefe Gouvernors of the realme, who were at first called *Custodes Hiberniæ*; and afterwards *Lords Iustices*, and the English Lordes, who had gotten so great possessions and Royalties, as that they presumed to make warre and peace without direction from the State, did leuie all their forces within the land. But those forces were weakly supplied, and ill Governed, as I said before. Weakly supplied with men and Money; and gouerned with the worst Discipline that euer was seene among men of warre. And no maruell, for it is an infallible rule, that an army ill paide, is euer vnruely, and ill gouerned. The standing forces heere, were sildome

dome or neuer re-enforced out of *England*, and such as were either sent from thence, or raised heer, did commonly do more hurt and damage to the *English* Subjects, then to the Irish enemies, by their continuall *Sesse* and *Extortion*. Which mischief did arise, by reason that little or no *Treasure* was sent out of *England*, to pay the soldiers wages: Onely the Kings reuenue in Ireland was spent, and wholly spent in the publicke seruice; and therefore, in al the ancient Pipe-Rols in the times of *Henry* the third, *Edward* the first, *Edward* the second, & *Edward* the third, betweene the Receipts and allowances, there is this entrie; *In Thesauro nihil*. For the Officers of the State and the Army, spent all; so, as there was no surplufage of *Treasure*; and yet that *All* was not sufficient. For in default of the Kings pay, aswell the ordinary forces which stood continually, as the extraordinarie, which

E

were

*Archiu in Castro
Dublin.*

were leuied by the cheefe Gouvernor, vpon iourneyes, and generall hoastings, were for the most part laid vpon the poore subiect descended of English race; howbeit this burden was in some measure tolerable in the time of King *Henry* the third, and King *Edward* the first; but in the time of King *Edward* the second, *Maurice Fitz Thomas* of *Desmond*, beeing chiefe Commander of the army against the Scots, began that wicked extortion of *Coigne* and *Livery*, and pay, that is; He & his army tooke Horse meate and Man-meate, and money, at their pleasure, without any Ticket, or other satisfaction. And this was after that time, the generall fault of all the Gouvernours and Commanders of the army in this Lande. Onely the Golden saying of *Sir Thomas Rokesby*, who was Iustice in the thirtieth yeare of king *Edward* the 3. is recorded in all the *Annales* of this kingdome, That he would eate in
 modden

*Statut. 10 H.
 7. cap. 4. Rot.
 Parliam. in Ca-
 stro Dublin.*

*Annales Hiber-
 nie in Camden.*

woodden dishes, but would pay for his Meat,
Gold & Silver. Besides, the English Co-
 lonies being dispersed in euerie Pro-
 uince of this kingdome, were enfor-
 ced to keepe continuall guards ypon
 the Borders & Marches round about
 them; which *Guardes*, consisting of
 idle souldiers, were likewise imposed
 as a continuall burthen vpon the
 poore *English* Free-holders, whome
 they oppressed and impouerished in
 the same manner. And because the
 great *English* Lords & Captaines had
 power to impose this charge, when,
 and where they pleased, manie of the
 poore Freeholders, were glad to giue
 vnto those Lords, a great part of their
 Lands, to hold the rest free from that
 extortion: And many others, not be-
 ing able to endure that intollerable
 oppression, did vtterly quit their free-
 holds, and returned into *England*. By
 this meane, the *English* Colonies
 grew poore and weake, though the
 E2 english

Baron Finglas.
Manus.
Stat. 10. H. 7.
cap. 4. Rot. Par-
liam in Castro
Dublin.

english Lords grew rich and mighty: for they placed Irish Tenants vpon the Landes relinquished by the English; vpon them they leuied all Irish exactions; with them they married, and fostered, and made Gossips: so as within one age, the English, both Lords and Free-holders, became degenerate and meer Irish in their Language, in their apparrell, in their armes and maner of fight, & all other Customes of life whatsoeuer.

By this it appeareth, why the extortion of *Coigne and Linory*, is called in the old Statutes of Ireland, A *Damnable custome*; and the imposing & taking thereof, made *High Treason*. And it is saide in an ancient discourse Of the *Decay of Ireland*, that though it were first inuented in *Hell*, yet if it had been vsed and practised there, as it hath been in Ireland, it had long since destroyed the very kingdome of *Belzebub*. In this

Statute. 12. H.
4. cap. 6.
Baron Finglas.
M. S.

this manner was the warre of Ireland carried, before the comming ouer of *Lionel Duke of Clarence.*

This young Prince, being Earle of *Ulster*, and Lord of *Conaght*, in right of his wife (who was daughter and heire of the Lord *William Bourke*, the last Earle of *Ulster* of that family, slaine by treachery at *Knockfergus*) was made the Kings Lieutenant of *Ireland*, and sent ouer with an army, in the 36. year of King *Edward the third*. The Rol and List of which Army, doth remaine of Record in the Kings Remembrauncers Office in England (in the presse *de Rebus augeantibus Hiberniam*) & dooth not containe aboue fifteene hundred men by the Poll; which because it differs somewhat from the manner of this age, both in respect of the Command and the Entertainment, I thinke it not impertinent to take a brieve view thereof.

The Lord *Lionel* was Generall, and

E 3

vnder

The Armie
transmitted
with Lionell
Duke of Cla-
rence, the 36.
of Edw. the 3.

*Archiv. Remem
regis apud
Westm.*

vnder him Raulf earle of Stafford, James Earle of Ormond, Sir John Carew Banneret, Sir William Windsor, & other knights were Commanders.

The entertainment of the Generall vpon his first arriual, was but six shillings eight pence, *per diem*, for himselfe; for five Knights, two shillings a peece, *per diem*; for 64. Esquires, xij. d. a peece, *per diem*; for 70 Archers, vj. d. a peece, *per diem*. But being shortly after created Duke of Clarence (which honor was conferred vpon him beeing heere in Ireland) his entertainment was raised to xij. s. iiij. d. *per diem*, for himselfe, & for 8. Knights, ij s. a piece *per diem*, with an encrease of the number of his Archers, viz: 360 Archers on horsebacke, out of Lancashire, at vj d. a peece *per diem*, and 23. Archers out of Wales, at ij d. a peece *per diem*.

The earle of Staffords entertainment, was for himselfe vi s. viij d. *per diem*, for a Banneret, iiij s. *per diem*, for xvij. Knights.

Knights, ijs. a peece *per diem*, for 78. esquires, xij d. a peece *per diem*, for 100 Archers on horsebacke, vj d. a peece *per diem*. Besides, he had the command of 14. Archers out of Staffordshire, 40. Archers out of worcestershire, & six Archers out of Shropshire, at iiij d. a peece *per diem*.

The entertainment of James earle of Ormond, was for himselfe iiij s. *per diem*, for two Knights, ijs. a peece *per diem*, for 27 esquires xij d. a piece *per diem*, for 20 Hoblers armed (the Irish Horsemen were so called, because they served on Hobbies) vj d. a peece *per diem*, and for 20. Hoblers not armed, iiij d. a peece *per diem*.

The entertainment of Sir Iohn Carew Banneret, was for himselfe iiij s. *per diem*, for one Knight, ijs. *per diem*, for eight esquires, xij d. a peece, *per diem*, for ten Archers on horsebacke, vj d. a peece *per diem*.

The entertainment of Sir william
winsore,

winfore, was for himselfe ij s. *per diem*: for two Knights, ij s. a peece *per diem*: for 49. Squiers xij d. a peece *per diem*, for six Archers on horseback, vi d. a piece *per diem*.

The like entertainment rateably, were allowed to diuers Knightes and Gentlemen vpon that List, for themselves and their feuerall retinewes, whereof some were greater, and some lesse, as they themselves coulde raise them among their tenants and Followers.

FOR in ancient times, the King himselfe did not leuy his armies by his owne immediate authority or Commission, but the Lords and Captaines did by Indenture Couenant with the King, to serue him in his Wars with certaine numbers of men, for certain wages & entertainments, which they raised in greater or lesse numbers, as they had fauour or power with the people. This course hath been changed

The manner
of leuying
Souldiers in
former ages.

ged in later times vpon good reason
 of State: For the Barons and Chiefe
 Gentlemen of the realme, hauing po-
 wer to vse the Kings prerogatiue in
 that point, became too popular;
 whereby they were enabled to raise
 forces euen against the Crown it self,
 which since the Statutes made for le-
 uying and mustering of souldiers by
 the Kings speciall Commission, they
 cannot so easily performe, if they
 should forget their duties.

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THis *Lord Lieutenant*, with this small
 Army, perfourmed no great ser-
 uice; & yet vpon his comming ouer,
 all men who had Land in *Ireland*, were
 by Proclamation re-maunded backe
 out of England thither, and both the
 Cleargy and Laity of this land, gaue
 two yeares profits of all their Landes
 and Tithes, towards the maintenance
 of the war heere: only he suppressed
 some Rebels in *Low Leinster*, and re-
 F couered

What seruice
Lionel Duke of
Clarence per-
 formed.

Archib. Turr.
 36. Edw. 3.
Claus. m. 21. in
dorso. & m. 30.

couered the Maritime parts of his erl-
dome of *Ulster*. But his best seruice did
consist in the well-gouerning of his
army, and in holding that famous
Parliament at *Kilkenny*; wherein the
extortion of the souldier, and the de-
generat maners of the English (brief-
ly spoken of before) were discouered,
and Lawes made to reforme the
same: which shall bee declared more
at large heereafter.

Sir William
Winfor Lieu-
tenant, 47. Ed.
3. His forces
and seruice.

THE next *Lieutenant*, transmitted
with any forces out of *England*,
was Sir *William winfore*; who in the 47
yeare of King *Edward* the third, vnder-
tooke the *Custodie*, not the *Conquest*, of
this Land (for now the English made
rather a *Defensiu*e then an *inuasiv*e war)
and withal, to defray the whol charge
of the kingdome, for eleauen thou-
sand two hundred thirteene pounds,
six shillings and eight pence, as ap-
peareth by the Indenture betweene
him

him and the King, remaining of Record in the Tower of London. But it appeareth by that which Froissard reporteth, that Sir William Winsore was so farre from subduing the Irish, as that himselfe reported: That he could neuer haue access to vnderstande and know their Countries, albeit he had spent more time in the seruice of Ireland, then any Englishman then liuing.

47. Edw. 3.
Clau. m. 1.

Stow in Rich. 2.

And heere I may well take occasion, to shewe the vanity of that which is reported in the Story of Walsingham, touching the reuennue of the Crown in Ireland, in the time of king Edward the third. For he setting forth the State of things there, in the time of King Richard the 2. Writeth thus:

The State of
the Reuennue
of Ireland, in
the time of
Edward the 3.

Cum Rex Anglia illustris, Edwardus tertius illic posuisset Bancum iurum atq. Iudices, cum Scaccario, percepit inde ad Regalem Fiscum annuatim triginta millia librarum; modo propter absentiam ligeorum, & hostium potentiam, nihil inde venit: sed Rex per annos singulos, de suo Marsupio, terra

Walsingham in
Richard the 2.

defensoribus soluit Triginta millia marcorum, ad regni sui dedecus et fisci gravissimum detrimentū.

If this Writer had knowne, that the Kings Courts had beene established in Ireland more then a hundred yeares before King *Edm. 3.* was borne, or had seene eyther the Parliament Rols in *England*, or the Records of the Receits and yssues in Ireland, he had not left this vaine report to posterity. For both the Benches and the Exchequer were erected in the twelfth year of King *Iohn*. And it is recorded in the Parliament Rols of 21. of Edward the third, remaining in the Tower, that the Commons of England made petition that it might be enquired why the King receiued *no benefit* of his land of Ireland, considering he possessed more there, then any of his Ancestors had before him. Now, if the King at that time, when there were no Standing forces maintained there, had receiued 30000. pound yearly at his Exchequer

Archib. Turv.

11. H. 3. patent m. 3.

21. Ed. 3. m. 41

Exchequer in *Ireland*, he must needes haue made profit by that land, considering that the whole charge of the kingdome in the 47. yeare of *Edward* the third (when the King did pay an army there) did amount to no more then eleuen thousand and two hundred pounds, *per annum*, as appeareth by the contract of Sir *William Windsor*.

47. Ed. 3. claus.
pers. 2. m. 24. 32
26.

Besides, it is manifest by the Pipe-Rolles of that time, wherof many are yet preferued in *Breminghams* Tower; and are of better credite then any Monkes story, that during the raigne of King *Edward* the third, the reuenew of the Crowne of *Ireland*, both certaine and casuall, did not rise vnto 10000. li. *per annum*, though the *Medium* be taken of the best seauen years that are to bee found in that Kinges time. The like Fable hath *Hollingshead* touching the reuennue of the Earledome of *Ulster*; which (saith hee)

Archiu. in Ca-
stro Dublin.

Hollingshead in
R. 2.

in the time of king *Richard* the second was thirty thousand Markes by the yeare; whereas in truth, though the Lordships of *Conaght* and *Meib* (which were then parcell of the inheritaunce of the Earle of *Ulster*) be added to the accompt, the reuennue of that earledome came not to the thirde part of that he writeth. For the Accompt of the profits of *Ulster* yet remayning in *Breminghams* Tower, made by *William Fitz-warren*, Seneshall and Farmour of the Landes in *Ulster*, seized into the Kings hands after the death of *walter de Burgo*, Earle of *Ulster*, from the fifth yeare of *Edward* the third, vntill the eight yeare, doe amount but to 900. and odde pounds, at what time the Irishry had not made so great an inuasion vpon the earledome of *Ulster*, as they had done in the time of King *Richard* the second.

As vaine a thing it is, that I haue seen written in an ancient *Manuscript*,
touch-

Archiv. in Ca-
stro Dublin. 5.
Edw. 3.

touching the Customes of this realme in the time of King *Edward* the third, that those duties in those daies should yearely amount to 10000. Markes, which by mine owne search and view of the Records heere, I can iustly controll. For vppon the late reducing of this ancient inheritance of the crown which had beene detained in most of the Port-Townes of this Realme, for the space of a hundred yeares and vppwardes, I tooke some paines (according to the duty of my place) to visit all the Pipe-Rolles, wherein the Accompts of Customes are contained, and found those duties aunswered in euery Port, for 250. yeares together, but did not find that at any time they did exceed a thousand pound, *Per annum*; and no maruell, for the subsidie of Pondage was not then known, and the greatest profite did arise by the Cocquet of Hides; for Wooll, and Wooll-fels were euer of little value in

in this Kingdome.

But now againe let vs see how the Martiall affayrs proceeded in Ireland. *Sir william winfor* continued his gouernment till the latter end of the raigñ of King *Edward* the thirde, keeping, but not enlarging, the English borders.

How the war
proceeded in
the time of K.
Richard the 2.

3. Rich. 2.
Archib. Turr.
Rot. Parliam.
42.

IN the beginning of the raigne of King *Richard* the second, the State of *England* began to thinke of the recouery of Ireland: For then was the first Statute made against *Absentees*, commanding al such as had Land in *Ireland*, to returne & reside thereupon, vppon paine to forfeite two third parts of the profit thereof. Againe, this King, before himselfe intended to passe ouer, committed the Gouernment of this Realme to such great Lordes successiuely, as he did most loue and fauor: first to the Earle of *Oxford* his Cheefe Minion, whom he created Marquesse of *Dublin*, and Duke of *Ireland*: next to the Duke of *Surrey* his halfe Brother: and lastly

lastly, to the Lord *Mortimer*, Earle of *March* and *Ulster*, his Cofin and heyre apparant.

Among the Patent Rolles in the Tower, the ninth yeare of *Rich.* the 2. we finde five hundred men at Armes at xij. d. a peece, *Per diem*; and a 1000. Archers at vi. pence a piece, *per diem*, appointed for the Duke of Ireland, *Super Conquestu illius terræ per duos annos*: for those are the wordes of that Record; But for the other two Lieutenants, I do not find the certain numbers, wherof their armies did consist. But certaine it is, that they were scarce able to defend the English borders, much lesse to reduce the whol Island. For one of them; namely, the Earle of *March* was himselfe slain vpon the borders of *Meib*; for reuenge of whose death, the King himselfe made his second voyage into *Ireland*, in the last yeare of his raigne. For his first voyage in the eighteenth yeare of his

G

raigne,

Pat. 2. pars. 9.
Rich. 2. m. 24.

*Walsingham in
Richard the 2.*

*Annales. Tho.
Otterbourne
Manuscript.*

raigne (which was indeed a Voyage-Royall) was made vpon another motiue and occasion, which was this; Vpon the vacancy of the Empire, this King hauing married the King of *Bohemias* Daughter (whereby hee had great alliance in *Germany*) did by his Ambassadors solicit the Princes Electors to choose him Emperour: but another being elected, and his ambassadors returned, hee would needes know of them the cause of his repulse in that Competition: they tolde him plainly, that the Princes of *Germanie* did not thinke him fit to commaund the Empire, who was neither able to hold that which his Ancestours had gained in *France*, nor to rule his insolent Subiects in *England*, nor to Maister his rebellious people of *Ireland*. This was enough to kindle in the heart of a young Prince, a desire to performe some great enterprife. And therefore finding it no fit time to attempt

tempt *France*, he resolved to finish the Conquest of *Ireland*; and to that end, he leuied a mightie armie, consisting of foure thousand men at Armes, and 30000. Archers, which was a sufficient power to haue reduced the whol Island, if he had first broken the Irish with a warre, and after established the English Lawes among them, and not haue beene satisfied with their light submissions onely, wherewith, in all ages they haue mockt and abused the State of England. But the Irish Lords knowing this to be a sure pollicie to dissolue the forces which they were not able to resist (for their Ancestors had put the same trick and imposture vppon King *Iohn*, and King *Henry* the second) assoone as the King was arriued with his army, which he brought ouer vnder *S. Edwards* Banner (whose name was had in great veneration amongst the Irish) they all made offer to submit themselves. Whereupon

Stow in Rich. 2

*Archiu. in offi-
cio Rememorat.
regis apud West-
mon.*

the Lorde Thomas Mowbray, Earle of Nottingham, and Marshall of England, was authorized by speciall Commiſſion, to receiue the homages & Oaths of fidelity, of all the Irithrie of Leinſter. And the King himſelfe hauing receiued humble Letters from Oneale, (wherein hee ſtyleth himſelfe Prince of the Irithry in Ulſter, and yet acknowledgeth the King to be his Soueraign Lorde, & *perpetuus Dominus Hiberniæ*) remoued to Droghedab, to accept the like ſubmiſſions from the Irith of Ulſter. The men of Leinſter, namely, Mac Murrough, O Byrne, O Moore, O Murrough, O Nolan, and the cheefe of the Kinſhelaghes, in an humble and ſolemn manner did their homages, & made their Oaths of fidelity to the Earl Marshall, laying aſide their girdles, their ſkeins and their Caps, and falling downe at his feet vpon their knees. Which when they had performed, the Earle gaue vnto each of them, *Osculum pacis*.

Befides,

Besides, they were bound by feuerall
 o Indentures, vpon great paines to bee
 paide to the Apostolique Chamber,
 not onely to continue loyall subiects,
 but that by a certaine day prefixed,
 they and all their Sword-men should
 clearely relinquish and giue vp vnto
 the King and his successors all their
 Landes and possessions which they
 held in *Leinster*, and (taking with them
 onely their moouable goods) should
 serue him in his warres against his o-
 ther Rebels. In consideration where-
 of, the King should giue them pay &
 pensions during their liues, and be-
 stow the inheritance of all such lands
 vpon them, as they shoulde recouer
 from the Rebels, in any other part of
 the Realme. And thereupon, a pen-
 sion of eighty Markes, *per annum*, was
 graunted to *Art Mac Murrough*, chiefe
 of the *Kauanaghes*; the enroulement
 whereof, I found in the White Booke
 of the Exchequer heere. And this was

the effect of the seruice performed by the Earle Marshall, by vertue of his Commission. The King in like manner receiued the submissions of the Lords of *Ulster*, namely; *O Neal, O Hanlon, Mac Donel, Mac Mabon*, & others; who with the like Humility and Ceremony, did homage and fealtie to the Kings owne person; the words of *O Neales* homage as they are recorded are not vnfit to be remembered: *Ego Nelanus Oneal Senior tam pro meipſo, quā pro filiis meis, & tota Natione mea & Parentelis meis, & pro omnibus ſubditis meis deuenio Ligeus homo veſter, &c.* And in the Indenture betweene him and the King, he is not onely bound to remaine faithfull to the Crowne of England, but to reſtore the *Bonaght* of *Ulster*, to the Earle of *Ulster*, as of right belonging to that Earledome, & vſurped among other things by the *Oneales*.

These Indentures and submissions, with many other of the ſame kinde (for there was not a Chieftaine
or

or head of an Irish sept, but submitted himselfe in one forme or other) the King himselfe caused to bee enrolled and testified by a Notary publique, & deliuered the enroulements with his owne hands to the Byshop of *Salisbury*, then Lord Treasurer of *England*, so as they haue beene preserued, and are now to be found in the Office of the Kings Remembrancer there.

With these humilities they satisfied the young King, and by their bowing and bending, auoyded the present storme, and so brake that Army, which was prepared to breake them. For the King hauing accepted their submissions, receiued them in *Osculo pacis*, feasted them, and giuen the honor of Knight-hood to diuers of thē, did breake vp and dissolue his armie, and returned into *England* with much honor, & smal profit, (saich *Froissard*.) For though he had spent a huge masse of Treasure in transporting his army,
by

by the countenance whereof, he drew on their submissions, yet did hee not encrease his reuennew thereby one sterling pound, nor enlarged the *English* borders the bredth of one Acre of Land; neither did he extend the Iurisdiction of his Courtes of Justice one foote further then the *English* Colonies, wherein it was vsed and exercised before. Besides, he was no sooner returned into *England*, but those *Irish* Lords laide aside their maskes of humility, and scorning the weake forces which the King had left behinde him, beganne to infest the borders; in defence whereof, the Lord *Roger Mortimer* being then the Kings Lieutenant, and heire apparent of the Crowne of *England*, was slaine, as I saide before. Whereupon, the king being moued with a iust appetite of reuenge, came ouer againe in person, in the 22. yeare of his raigne, with as potent an armie, as he had done before, with a ful purpose

pose to make a full Conquest of Ire-
land: he landed at *waterford*, and pas-
sing from thence to *Dublin*, through
the wast Countries of the *Murroghes*,
Kinsbelagh, *Cauanagh*, *Birnes*, and
Tooles, his great armie was much di-
stressed for want of victuals and car-
riages, so as he performed no memo-
rable thing in that iourney; onely in
the *Cauanagh* Countrey, hee cut and
cleared the paces, and bestowed the
honor of Knighthood vpon the Lord
Henry, the Duke of *Lancasters* son, who
was afterwards King *Henrie* the fiste,
and so came to *Dublin*, where entring
into Counsell how to proceede in the
warre, he receiued newes out of *Eng-
land*, of the arriual of the bannished
Duke of *Lancaster* at *Rauenspurgh*, vsur-
ping the Regall authority, and arre-
sting and putting to death his princi-
pall Officers.

This aduertisement suddainely
brake off the kings purpose touching

H

the

*Hollingshead in
Richard the 2.*

the prosecution of the warre in Ireland, and transported him into England, where shortly after hee ended both his raigne and his life. Since whose time, vntill the 39. yeare of *Q. Elizabeth*, there was neuer any armie sent ouer of a Competent strength or power to subdue the Irish, but the warre was made by the English Colonies, onely to defend their borders; or if any forces were transmitted ouer, they were sent only to suppress the rebellions of such as were descended of English race, and not to enlarge our Dominion ouer the Irish.

Henry 4.

The Lord
Thomas of
Lancaster his
seruice.

DVring the raigne of king *Henrie* the fourth, the Lorde *Thomas* of *Lancaster* the Kings second sonne, was Lieutenant of Ireland, who for the first eight yeares of that Kings raign, made the Lord *Scroope*, and others his Deputies, who only defended the Marches with forces leuied within the Land.

Land. In the eight yeare that Prince came ouer in person with a small reuiue. So as wanting a sufficient power to attempt or performe any great seruice, he returned within seuen moneths after into *England*. Yet during his personall abode there, he was hurt in his owne person within one mile of *Dublin*, vpon an incounter with the Irish enemy. He tooke the submissi- ons of *O Birne* of the Mountaines, *Mac Mahon*, and *O Rely*, by seuerall Indentures, wherin *O Birne* doth Couenant, that the King shall quietly enioy the Mannor of *New-Castle*; *Mac Mahon* accepteth a State in the *Ferny* for life, rendering ten pound a yeare; and *O Reley* doth promise to performe such duties to the Earle of *March* and *Vlster*, as were contained in an Indenture dated the 18. of *Richard* the second.

Archib. Rememorat. regis apud westm.

I N the time of K. *Henry* the fift, there cam no forces out of *England*. How-

Henry 5.

The Lorde
Furniual his
seruice.

*Alb. libr. Scacc.
Dublin.*

beit the Lord *Furniual* being the kings Lieutenant, made a martial circuit, or iourney, round about the Marches & Borders of the Pale, and brought all the Irish to the Kings peace, beginning with the *Birnes*, *Tooles*, and *Cau-naghes* on the South, and so passing to the *Moores*, *O Connors*, and *Offerals* in the West; and ending with the *O Relies*, *Mac Mabons*, *O Neales*, and *O Hau-lons* in the North. Hee had power to make them seeke the Kings peace, but not power to reduce them to the Obedience of Subiectes: yet this was then held so great and worthy a seruice, as that the Lords & chiefe Gentlemen of the Pale, made certificate thereof in French vnto the King, being then in *France*: which I haue seen Recorded in the *white Booke* of the Exchequer at *Dublin*. howbeit his Armie was so ill paid and gouerned, as the English suffered more dammage by the Sesse of his Souldiers (for now
that

that Monster (*Coigne*, and *Liuerie*) which the Statute of *Kilkenny* had for a time abolished, was risen againe from hell) then they gained profit or security, by abating the pride of their enemies for a time.

DVring the minority of King *Henry* the sixt, and for the space of seuen or eight yeares after, the Lientenants and Deputies made only a bordering warre vpon the Irish, with small and scattered forces; howbeit, because there came no treasure out of *England* to pay the Soldier, the poore English subiect, did beare the burthen of the men of warre in euery place, & were thereby so weakned and impouerished, as the State of thinges in *Ireland*, stood very desperate.

Whereupon, the Cardinall of *winchester* (who after the death of *Humfrey* Duke of *Glocester*, did wholly sway the State of *England*) beeing desirous to

H₃

place

Henry 6.

Richard Duke
of Yorke his
seruice.

place the Duke of Somerset in the Regencie of *Fraunce*, tooke occasion to remooue Richard Duke of Yorke from that gouernment, and to send him into *Ireland*, pretending that hee was a most able and willing person, to performe seruice there, because he had a great inheritance of his owne in *Ireland*; namely, the Earledom of *Ulster*, and the Lordships of *Conaght* & *Meath*, by discent from *Lionell Duke of Clarence*.

We do not finde that this great Lord came ouer with any numbers of waged souldiers, but it appeareth vpon what good termes hee tooke that Gouernment, by the Couenants betweene the King and him, which are recorded and confirmed by Acte of Parliament in *Ireland*, and were to this effect:

1. That he should be the Kings Lieutenant of *Ireland*, for ten yeares.

2 That

*Archiu. in Ca-
stro Dublin.*

6348a

Davies, Sir J.

2. That to support the charge of that Countrey, he should receiue al the kings reuennues there, both certaine and casual, without accompt.
3. That he should bee supplied also with treasure out of *England*, in this maner; he should haue four thousand Markes for the first yeare, whereof he should bee imprested 2000. li. before hand; and for the other nine yeares, hee should receiue 2000. li. *per annum*.
4. That hee might Let to Ferme the Kings Landes, and place and displace all Officers at his pleasure.
5. That he might leuy and wage what numbers of men, he thought fit.
6. That he might make a Deputy, and returne at his pleasure.

We cannot presume that this Prince kept any great army on foote, as well because his means out of *England* were so meane, and those ill paide, as appeareth by his passionate letter written

*Hollinghead in
Henry the sixt.*

ten to the Earl of *Salisbury* his brother in Law; the Coppy whereof, is Registered in the Story of this time: as also because the whole Lande, except the English Pale, and some patt of the Earledome of *Ulster*, vppon the Sea-Coasts, were posselt by the Irish. So as the Reuennew of the Kingdome, which he was to receiue, did amount to little. He kept the Borders & Marches of the Pale with much adoo; he held many Parliaments, wherein sundry Lawes were made, for erecting of Castles in *Louth*, *Meth*, and *Kildare*, to stop the incursions of the Irishrie. And because the souldiers for want of pay were fessed and laide vppon the subiects against their willes; vpon the prayer and importunitie of the Commons, this extortion was declared to be *High-Treason*. But to the end, that some meanes might be raised to nourish some forces for defence of the Pale, by another Acte of Parliament, euerie

*Rot. Parliam.
in Castro Dublin*

euery twenty pound Land was charged with the furnishing and maintenance of one Archer on horsebacke.

Besides, the natiue subiects of Ireland seeing the kingdome vtterly ruined, did passe in such numbers into England, as one Law was made in England, to transmit them backe againe; and another Law made heere to stop their passage in euery Port & creeke. Yet afterwards, the greatest partes of the Nobility and Gentry of Meth, past ouer into England, and were slaine with him at wakefield in Yorkshire.

Lastly, the State of England was so farre from sending an army to subdue the Irish at this time, as among the Articles of greeuances exhibited by the Duke of Yorke against K. Henry the sixte, this was one; That diuers Lords about the King, had caused his Highnesse to write Letters vnto some of his Irish enemies; whereby they were encouraged to attempt the con-

I quest

*Archib. Tur. 17
Hen. 6. Claus. m.
20.*

*Manuscript of
Baron Finglas.*

*Hollingshead in
Hen. 6.*

quest of the said Land. Which Letters, the same Irish enemies had sent vnto the Duke; maruailing greatlie, that such Letters should be sent vnto them, & speaking therein great shame of the Realme of *England*.

After this, when this great Lorde was returned into *England*, and making claime to the Crowne, beganne the Warre betwixt the two Houses; It cannot bee conceiued, but that the kingdome fell into a worse and weaker estate.

Edward 4

How the war was maintained in the time of King Edward the 4

When *Edward* the fourth was settled in the kingdome of *England*, he made his Brother *George Du. of Clarence*, Lieutenant of *Ireland*. This Prince was born in the Castle of *Dublin*, during the Gouvernment of his father the Duke of *Yorke*; yet did hee neuer passe ouer into this kingdome, to gouerne it in person, though hee held the Lieutenancie many yeares.

But

But it is manifest, that King *Edward* the fourth did not pay any army in Ireland during his raigne; but the men of war did pay themselves by taking Coigne and Liury vppon the Countrey: which extortion grew so excessive and intollerable, as the Lord *Tip-roft* being Deputy to the Duke of *Clarence*, was enforced to execute the Law vppon the greatest Earle in the Kingdome; namely, *Desmond*; who lost his head at *Drogheda* for this offence. Howbeit, that the State might not seeme vtterly to neglect the defence of the Pale, there was a fraternity of men at armes, called *the Brotherhood of S. George*, erected by Parliament, the 14. of *Edward* the fourth, consisting of thirteene the most Noble and woorthy persons within the foure shires. Of the first foundation, were *Thomas* Earle of *Kildare*, *Sir Rowland Eustace*, Lord of *Port-lester*, and *Sir Robert Eustace* for the County of *Kildare*;

Hollinghead in
Edward the 4

Booke of
Horwth. Manus.

The fraterni-
ty of Saint
George in Ire-
land,

14. of Edw. 4.
Rot Parliam.
Dublin.

dare, Robert Lord of Howth, the Maior of Dublin, and Sir Robert Dowdall, for the County of Dublin; the Vicount of Gormanston, Edward Plunket, Seneshall of Meth; Alexander Plunket, and Barnabe Barnewale, for the County of Meth; the Maior of Drogheda, Sir Lawraunce Taaffe, and Richard Bellewe, for the Countie of Lowth. These and their successors, were to meet yearely vpon S. Georges day; and to choose one of themselves to be Captaine of that Brother-hood, for the next yeare to come. Which Captaine, shold haue at his commaund, 120. Archers on horsebacke, 40. horsemen, and forty Pages, to suppress Out-lawes and rebels. The Wages of euery Archer, should be vj. pence, *Per diem*; & euery horseman, v.d. *Per diem*; and foure Markes, *Per annum*. And to pay these entertainments, and to maintain this new fraternity, there was granted vnto them by the same Act of Parliament

a subsidie of Pondage, out of all Marchandizes exported or imported thoroughout the Realme (hydes, and the goods of Free-men of *Dublin & Drogheda* onely excepted.) These 200. men were al the standing forces that were then maintained in Ireland. And as they were Natiues of the kingdom, so the kingdom it selfe did pay their wages without expecting any treasure out of *England*.

BVt now the warres of *Lancaster* and *Torke* being ended, and *Henrie* the seuenth being in the actuall & peaceable possession of the kingdome of *England*, let vs see if this King did send ouer a Competent Armie to make a perfect Conquest of *Ireland*. Assuredly, if those two Idolles or counterfets which were set vp against him in the beginning of his raign, had not found footing and followers in this Lande, King *Henrie* the seuenth had sent neither

Henrie 7.

How the war was prosecuted in the time of King Henry the 7.

*Archib. Remem.
Regis apud.
Westm.*

*The Booke of
Howth. Manus.*

ther horse nor foote hither, but let the Pale to the Guard and defence of the fraternitie of *Saint George*, which stood till the tenth year of his raigne. And therefore, vpon the erection of the first Idoll, which was *Lambert* the Priests Boy, he transmitted no forces, but sent ouer Sir *Richard Edgecomb*, with Commission to take an Oath, of allegiance of al the Nobility, Gentry, and Cittizens of this kingdom; which seruice he performed fully, and made an exact returne of his Commission to the King. And immediately after that, the King sent for all the Lordes of Parliament in this realme; who repaying to his presence, were first in a Kingly manner reprooued by him; for among other things he told them, that if their King were still absent frō them, they would at length Crowne Apes; but at last entertained them, and dismissed them graciously. This course of clemency hee held at first.

But

But after, when *Perkin warbecke*, who was set vp, and followed chiefly by the *Giraldines* in *Leinster*, and the *Cittizens* of *Corke* in *Mounster*; to suppress this counterfaite, the King sent ouer *Sir Edward Poynings*, with an Army (as the *Histories* call it) which did not consist of a thousand men by the Pol; and yet it brought such terrour with it, as all the *Adherents* of *Perkin warbecke* were scattered, and retyred for succour into the *Irish Countries*: to the *Marches* whereof, hee marched with his weake forces, but est-soones returned & held a *Parliament*. Wherein among many good Lawes, one Act was made; That no subiect shold make any warre or peace within the Land, without the speciall License of the Kings Lieutenant or Deputie. A manifest argument, that at that time the bordering Warres in this kingdome, were made altogether by *Voluntaries*, vpon their own head, without

Hollingshead in
Henry the 7.

Sir Edward
Poynings ser-
uice.

Rot. Parliam.
in Castro Dublin

The Booke of
Howth.

The battell of
Knockrow.

out any pay or entertainment, and without any Order or Commission from the State. And though the Lords and Gentlemen of the Pale, in the 19. yeare of this Kings raigne, ioyned the famous battell of *Knockrow* in *Conaght*; wherein *Mac william*, with 4000. of the Irish, and degenerat English were slaine; yet was not this iourney made by warrant from the King, or vppon his charge (as it is expressed in the Booke of *Howth*) but only vpon a priuate quarrell of the Earle of *Kildare*: so loosely were the martiall affaires of *Ireland* carried, during the raigne of King *Henry* the seuenth.

Henrie 8.

How the war
was carried,
during the
Raigne of K.
Henrie the 8.

IN the time of King *Henry* the eight, the Earle of *Surrey*, Lorde Admirall, was made Lieutenant; and though he were the greatest Captain of the English Nation the liuing; yet broght he with him rather an honorable Guard for his person, then a competent ar-
mie

mie to recouer Ireland. For he had in his retinue, 200. tall Yeomen of the Kings Guard : But because hee wanted meanes to performe any great action, hee made meanes to returne the sooner: yet in the meane time he was not ydle, but passed the short time he spent heere, in holding a Parliament, and diuers iournies against the Rebels of *Leinster*; inso much as he was hurt in his own person, vpon the borders of *Leix*. After the reuocation of this honourable personage, King *Henry* the eight, sent no forces into Ireland, till the rebellion of the *Giraldines*, which hapned in the 27. year of his raigne. Then sent he ouer Sir *William Skeuington*, with fīue hundred men onely to quench that fire, and not to enlarge the border, or to rectifie the Gouernment. This Deputy dyed in the midst of the seruice, so as the Lord *Leonard Gray* was sent to finish it: who arriuing with a supply of 200. men, or

The Earle of
Surries ser-
uice.

The Lord *Le-*
onard Grayes
seruice.

K

there-

thereabouts, did so prosecute the Rebels, as the Lord Garret their Chieftaine, and his five Vnckles, submitted them-selues vnto him, and were by him transmitted into England.

But this seruice being ended, that actiue Nobleman with his litle army, and some ayds of the Pale, did oftentimes repell *O Neale*, and *O Donel*, attempting the inuasion of the Ciuill Shires, and at last made that prosperous fight at *Belaboo*, on the Confines of *Meth*; the memory whereof, is yet famous, as that he defeated (well-nie) all the power of the North; & so quieted the border for many yeares.

Hitherto then it is manifest, that since the last transfretation of King *Richard* the second, the Crowne of England neuer sent ouer, either numbers of men, or quantities of treasure, sufficient to defend the small Territory of the Pale, much lesse to reduce that which was lost, or to finish the Conquest

The fight at
Belaboo.

Booke of
Howth Manus.

Conquest of the whole Island.

After this, Sir *Anthony S. Leger*, was made chiefe *Gouernor*, who performed great seruice in a ciuill course, as shall be exprested heereafter. But Sir *Edward Bellingham*, who succeeded him, proceeded in a Martiall course against the Irishry, and was the first Deputy, from the time of K. *Edward* the third, till the raign of king *Edward* the sixt, that extended the border beyond the limits of the English Pale, by beating and breaking the *Moores* and *Connors*, and building the Forts of *Leix* and *Offaly*. This seruice he performed with fixe hundered horse; the monthly charge whereof, did arise to 770. li. And 400. foote, whose pay did amount to 446. li. *per mensem*: as appeareth vpon the Treasurers accompt, remaining in the Office of the Kinges Remembrauncer in England. Yet were not these Countries so fully recovered by this Deputy, but that *Tho-*

Sir Anthonic
Stliger.

Sir Edward
Bellingham,
in the time of
K. Edw. the 6.

Archiu. Remem.
Regis apud
westm.

Tho: Earle of
Suffex, in the
time of Qu.
Mary.

mas Earl of *Suffex* did put the last hand to this worke; and rooting out these two rebellious *Septs*, planted English Colonies in their roomes, which in all the tumultuous times since, haue kept their Habitations, their Loyalty, and Religion.

Queen E-
lizabeth.

And now are we come to the time of Queene ELIZABETH, who sent ouer more men, and spent more treasure to saue and reduce the Lande of *Ireland*, then all her progenitors since the Conquest.

How the War
was prosecuted
in the
time of Qu.
Elizabeth.

DVring her raig, there arose three notorious and maine Rebellions, which drewe seuerall armies out of England. The first of *Shane O Neale*; the second, of *Desmond*; the last of *Tyrone*; (for the particular insurrections of the Vicount *Baltinglasse*, and Sir *Edmund Butler*; the *Moore*s; the *Cauanaghes*; the *Birnes*, and the *Bourkes* of *Conaght*, were all suppressed by the standing forces heere.)

To

To subdue *Shane O Neal*, in the hight of his rebellion, in the yeare, 1556. Captaine *Randal* transported a Regiment of 1000. men into *Ulster*, & planted a Garrison at *Loughscile*. Before the comming of which supply (viz:) in the yeare, 1565. the List of the standing army of horse and foot, English and Irish, did not exceed the number of 1200. men, as appeareth by the Treasurers accompt of Ireland, now remaining in the Exchequer of England. With these forces did Sir *Henry Sidney* (then Lord Deputy) march into the farthest parts of *Tirone*, and ioyning with Captaine *Randal*, did much distresse (but not fully defeate) *O Neale*, who was afterwards slain vpon a meere accident by the Scottes, and not by the Queenes army.

*Shane O Neales
Rebellion.*

*Archiu. Remem.
Regis apud
Westm.*

TO prosecute the Warres in *Munster*, against *Desmond* and his Adherents, there were transmitted out of
K 3 England,

*Desmonds Re-
bellion.*

Tyrone's Re-
bellion.

England at severall times, three or four thousand men, which together, with the standing Carrifons, and some other supplies raised heere, made at one time, an army of six thousand & upwards: which with the Vertue and lour of *Arthur Lorde Gray*, and others the Commanders, did proue a sufficient power to extinguish that rebellion. But that being doone, it was never intended that these forces should stand, till the rest of the kingdome were settled and reduced: onely, that army which was brought over by the Earle of *Essex*, Lorde Lieutenant and Gouvernor generall of this kingdom, in the 39. yeare of Queen *Elizabeth*, to suppress the Rebellion of *Tirone*, which was spread vniuersally over the whole Realme; That armie, I say (the command whereof, with the government of the Realme, was shortly after transferred to the commaund of the Lord *Montioy*, afterwards Earl of *Devonsbire*,

*uons*shire, who with singular wisdom,
 valour, and industry, did prosecute &
 finish the Warre) did consist of such
 good men of warre, and of such num-
 bers, being wel-ny 20000. by the Pol,
 and was so royally supplied and paid,
 and continued in full strength so long
 a time, as that it brake, and absolute-
 ly subdued all the Lordes and Chiefe-
 taines of the Irishry, and degenerate
 or rebellious English. Whereupon,
 the multitude, who euer loued to bee
 followers of such as could master and
 defend them, admyring the power of
 the Crowne of England, being brai'd
 (as it were) in a Morter, with the
Sword, Famine, & Pestilence altogether,
 submitted themselves to the English
 gouernment, receiued the Lawes and
 Magistrates, and most gladly embra-
 ced the Kings pardon and peace in
 all parts of the Realme, with demon-
 stration of ioy and comfort; which
 made indeede, an entire, perfect, and
 finall

finall Conquest of *Ireland*. And thogh vpon the finishing of the warre, this great armie was reduced to lesse numbers, yet hath his Maiestie in his Wisedome, thought it fit, stil to maintaine such competent forces heere, as the Law may make her progresse & Circuit about the Realme, vnder the protection of the sword (as *Virgo*, the figure of Iustice, is by *Leo* in the *Zodiack*) vntill the people haue perfectly learned the Lesson of Obedience, & the Conquest bee established in the hearts of all men.

THus farre haue I endeouored to make it manifest, that from the first aduerture and attempt of the English (to subdue and conquer *Ireland*) vntill the last warre with *Tyrone*, (which as it was royally vndertaken, so it was really prosecuted to the end) there hath bin foure maine defects in the carriage of the martiall affayres heere.

Foure maine
defects in the
prosecution of
the warre.

heere. First, the armies for the most part, were too weake for a Conquest: Secondly, when they were of a competent strength (as in both the iournies of *Richard* the second) they were too soone broken vp and dissolued: Thirdly, they were ill paide: And fourthly, they were ill Gouverned, which is alwayes a consequent of ill payment.

BVt why was not this great worke perfourmed, before the latter end of *Queene Elizabeths* raigne, considering that many of the Kings her Progenitors, were as great Captaines as any in the world, and had else-where larger Dominions and Territories? First, who can tell whither the Diuine Wisedom, to abate the glory of those Kings, did not reserue this Worke to be done by a Queen, that it might rather appeare to be his owne immediate worke? And yet for her greater Ho-
L nor,

Why none of the Kinges of England, before *Queene Elizabeth*, did finish the conquest of Ireland.

nor, made it the last of her great actions, as it were, to Crowne al the rest? And to the end, that a secure peace might settle the Conquest, and make it firme and perpetuall to posteritie; caused it to bee made in that fulnesse of time, when *England* and *Scotland* became to be vnited vnder one imperi-
all Crowne; and when the Monarchy of Great *Britainy* was in league & amity with all the worlde. Besides, the Conquest at this time, doth perhaps fulfill that prophesie, wherein the four great Prophets of *Ireland* do concur, as it is recorded by *Giraldus Cambr̄sis*; to this effect: That after the first inuasion of the English, they shold spend many ages, in crebris conflictibus, longoq̃ certamine & multis cædibus. And that, *Omnes fere Anglici ab Hibernia turbabuntur: nihilominus orientalia maritima semper obtinebunt; Sed vix paulo antè diem Iudicii; plenam Anglorum populo victoriam compromittunt; Insula Hibernica de mari vsque ad mare de toto subacta & incastellata.* If *S. Patrick* and the rest
did

Giraldus Cambr̄sis.

did not vtter this prophesy ; certainly *Giraldus* is a Prophet, who hath reported it. To this, we may adde the prophesy of *Merlin*, spoken of also by *Giraldus*. *Sextus mœnia Hiberniæ subuertet, & regiones in Regnum redigentur*. Which is performed in the time of King *James* the sixt; in that all the paces are cleared, and places of fastnesse laid open, which are the proper Wals & Castles of the Irish, as they were of the British in the time of *Agricola*; and withal, the Irish Countries beeing reduced into Counties, make but one entire and vndeuided kingdome.

But to leaue these high & obscure causes, the plaine and manifest trueth is; that the Kings of *England* in al ages, had bin powerfull enough, to make an absolute conquest of *Ireland*, if their whole power had been employed in that enterprize : but still there arose fundry occasions, which diuided and diuerted their power som other way.

How the fe-
uerall Kings
of England
were diuerted
from the con-
quest of Ire-
land.

King
Henrie 2.

The Booke of
Howth. Manus.

Let vs therefore take a brieife view
of the feuerall impediments which a-
rose in euery Kinges time, since the
first ouerture of the Conquest, where-
by they were so employed and busi-
ed, as they could not intend the finall
Conquest of *Ireland*.

King *Henrie* the second, was no foo-
ner returned out of *Ireland*, but all
his foure Sonnes conspired with his
enemies, rose in *Armes*, and moued
warre against him, both in *France* and
in *England*.

This vnnaturall treason of his sons,
did the King expresse in an Embleme
painted in his Chamber at *winchester*,
wherein was an Eagle, with three Eg-
lets tyring on her brest; & the fourth
pecking at one of her eyes. And the
troth is, these vngracious practises of
his sonnes, did impeach his iourney
to the Holy-Land, which he had once
vowed, vexed him all the dayes of his
life,

life, and brought his gray haire with
 sorrow to the graue. Besides, this king
 hauing giuen the Lordship of *Ireland*
 to *Iohn* his youngest sonne; his ingra-
 titude afterwards made the king care-
 lesse to settle him in the quiet and ab-
 solute possession of that kingdome.

R *Ichard* the first, which succeeded
Henrie the second in the kingdom
 of *England*, had lesse reason to bend
 his power towards the Conquest of
 this Land, which was giuen in perpe-
 tuity to the Lord *Iohn* his brother. And
 therefore, went hee in person to the
 holy warre; by which iourney, & his
 captiuity in *Austria*, and the heavy ran-
 some that he paid for his libertie, hee
 was hindred, and vtterly disabled to
 pursue any so great an action as the
 Conquest of *Ireland*; And after his deli-
 uery and returne, hardly was he able
 to maintaine a frontier warre in Nor-
 mandy, where by hard fortune he lost
 his life.

Richard I

K. Iohn.

King *Iohn* his Brother, had greatest reason to prosecute the Warre of *Ireland*, because the Lordship thereof was the portion of his inheritance, giuen vnto him, when hee was called, *Iohn Sans-Terre*. Therefore, hee made two iournies thither; one, when he was Earle of *Morton*, and very yong, about twelue years of age; the other, when he was King, in the 12. yeare of his raigne. In the first, his own youth, and his youthfull company, *Roboams* Counsellours, made him hazard the losse of al that his father had won. But in the later, he shewed a resolution to recouer the entire Kingdome, in taking the submissions of al the *Irishry*, and settling the estates of the English, and giuing Order for the building of many Castles and Forts, wherof some remaine vntill this day. But hee came to the Crowne of England, by a defeasible Title, so as he was neuer well settled in the hearts of the people, which

which drew him the sooner back out of *Ireland* into *England*: where shortly after, he fell into such trouble and distresse; The Clergy cursing him on the one side; and the Barons rebelling against him on the other, as hee became so farre vnable to returne to the Conquest of *Ireland*, as besides the forfeiture of the territories in *Fraunce*, hee did in a manner loose both the kingdomes. For hee surrendred both to the Pope, and tooke them backe againe to hold in Fee-farme; which brought him into such hatered at home, and such contempt abroad, as all his life time after, hee was posselt rather with feare of loosing his head, then with hope of reducing the kingdom of *Ireland*.

DVring the infancy of *Henry* the 3. the Barons were troubled in expelling the French, whome they had drawne in against King *Iohn*. But this Prince

Henrie 3

Prince was no sooner come to his majority, but the Barons raised a long and cruell war against him.

Into these troubled waters, the Bishops of *Rome* did cast their Nets, and drew away all the wealth of the realm by their prouisions, and infinite exactions, whereby the kingdom was so impouerished, as the King was scarce able to feed his owne houlholde and traine, much lesse to nourish armies for the conquest of forren kingdoms. And albeit he had giuen this Land to the Lord *Edward* his eldest sonne, yet could not that woorthy Prince euer finde meanes or opportunity to visit this kingdome in person. For, from the time he was able to beare armes, he serued continually against the Barons, by whom hee was taken prisoner at the battell of *Lewes*. And when that rebellion was appeased, he made a iourney to the Holy Land (an employment which in those daies diuerted

ted all Christian Princes from performing any great actions in *Europe*) from whence hee was returned, when the Crowne of England descended vpon him.

THis King *Edward* the first, who was *Edward I*
 a Prince adorned with all vertues, did in the mannaging of his affayres, shew himselfe a right good husband, who being Owner of a Lordship ill husbanded, doth first enclose & manure his demeasnes neere his principall house, before he doth improve his waists a farre off. Therefore, he beganne first to establish the Commonwealth of England, by making many excellent Lawes, and instituting the forme of publique Iustice, which remaineth to this day. Next, hee fullie subdued and reduced the Dominion of Wales; then by his power and authoritie hee setled the kingdome of *Scotland*; and lastly, he sent a royall ar-
 M mie

*Archiu. in Ca-
stro Dublin.*

*Annales Hiber-
vine in Camdā.*

mie into Gascoigne, to recouer the Dut-
chy of Aquitaine. These foure great ac-
tions, did take vp all the raigh of this
Prince. And therefore, we find not in
any Record, that this King transmit-
ted any forces into Ireland; but on
the other side, wee finde it recorded
both in the Annalles, and in the Pipe-
Rolles of this kingdom, that three se-
uerall armies were raised of the Kings
subiectes in Ireland, and transported
one into Scotland; another into Wales;
and the third into Gascoigne; and that
seuerall aydes were leuied heere, for
the setting forth of those armies.

Edward 2

THe sonne and successor of this ex-
cellent Prince, was Edward the se-
cond, who much against his will sent
one smal armie into Ireland; not with
a purpose to finish the Conquest, but
to garde the person of his Minion,
Piers Gaueston, who being banished
out of England, was made Lieutenant
of

of Ireland, that so his exile might seem more honourable.

He was no sooner arrived here, but he made a journey into the Mountaines of *Dublin*; brake and subdued the Rebels there; built New-Castle in the *Uirnes* Country, and repaired *Castlekevin*; & after passed vp into *Meunster* and *Thomond*, performing euerie where great seruice, with much Vertue and valour. But the King, who could not live without him, reuokt him within lesse then a yeare. After which time, the inuasion of the Scots, and rebellion of the Barons, did not onely disable this King to bee a Conqueror, but depriued him both of his kingdom and life. And when the Scottish Nation had ouer-run all this land vnder the conduct of *Edward le Bruce* (who stiled himselfe King of *Ireland*) England was not then able to send either men or mony to saue this Kingdom. Onely *Roger de Mortimer*

Annales Hibernie in Camden.

Archiu. in Castro Dublin.

Manuscript
of Frier *Cliu*.

then Iustice of Ireland, arriued at
Youghall, cum 38. milite, saith Friar *Cliu*
in his Annalles.

Rubr. libr. Scac.
Dublin.

But *Bremingham, Verdon, Stapleton,*
& some other priuat Gentlemen, rose
out with the Commons of *Meib* and
Vriell, and at *Fagber* neere *Dondalke*, a
fatall place to the enemies of the
Crowne of England, ouerthrew a po-
tent army of them. Et sic (saith the red
Booke of the Exchequer, wherein the
victory was briefly recorded) *per ma-
nus communis populi, & dextram dei delibe-
ratur populus dei a seruitute machinata &
præcogitata.*

Edward 3

IN the time of King Edward the third,
the impediments of the Conquest of
Ireland, are so notorious, as I shal not
neede to expresse them; to wit, the
warre which the King had with the
Realmes of Scotland, and of Fraunce;
but especially the Warres of Fraunce,
which were almost continuall for the
space

space of fortie yeares. And indeede, *France* was a fairer marke to shoot at, then *Ireland*, & could better reward the Conqueror. Besides, it was an inheritance newly discended vpon the King; and therefore, he had great reason to bend all his power, and spend all his time and treasure in the recovery thereof. And this is the true cause why *Edward* the third sent no armie into *Ireland*, till the 36. yeare of his raigne, when the Lorde *Lionell* brought ouer a Regiment of 1500. men, as is before expressed: which that wise and warlicke Prince did not transmit as a competent power, to make a full conquest, but as an honorable retinue for his sonne; and withall, to enable him to recouer some part of his Earledome of *Ulster*, which was then ouer-run with the Irish. But on the other part, though the English Colonies were much degenerate in this kings time, and had lost a great

Annales Hibernie in Camden.

part of their possessions, yet lying at the siege of *Callis*, hee sent for a supply of men out of Ireland, which were transported vnder the conduct of the Earle of *Kildare*, and *Fulco de la Freyn*, in the yeare, 1347.

Richard 2

AND now are we come again to the time of King *Richard* the second; who for the first tenne yeares of his raigne, was a Minor, and much disquieted with popular Commotions; and after that, was more troubled with the factions that arose betweene his Minions, & the Princes of the bloud. But at last, he tooke a resolution to finish the Conquest of this Realm. And to that end he made two Royall voyages hither. Vpon the first, he was deluded by the faigned submissions of the Irish; but vpon the later, when he was fully bent to prosecute the warre with effect, he was diverted & drawn from hence by the return of the Duke of

of *Lancaster* into England, and the generall defection of the whole realme.

AS for *Henrie* the fourth, he beeing *Henrie 4.*
 to an Intruder vpon the Crowne of
 England, was hindered from all for-
 raigne actions, by sundry Conspira-
 cies and Rebellions at home, moued
 by the house of *Northumberland* in the
 North; by the Dukes of *Surrey* & *Ex-*
ceter in the South; and by *Owen Glen-*
dour in Wales; so as he spent his short
 raigne in establishing and settling him
 selfe in the quiet possession of Eng-
 land, and had neyther leisure nor op-
 portunity to vndertake the final con-
 quest of Ireland. Much lesse could *Henrie 5.*
 King *Henry* the fift perfourme that
 worke: for in the second yeare of his
 raigne, he transported an armie into
France, for the recouery of that king-
 dome, and drewe ouer to the fiedge
 of *Harflew*, the Priour of *Kilmainebam*,
 with 1500. Irish. In which great acti-
 on

*Annales Hiber-
 nie in Camden.*

son, this victorious Prince, spent the rest of his life.

Henric 6.

AND after his death, the two Noble Princes his Brothers, the Duke of Bedford and Gloucester, who during the minority of King Henry the sixte, had the Gouvernement of the Kingdomes of England and France, did employ all their Counsels and endeuors to perfect the Conquest of France, the greater part whereof beeing gained by Henry the fift, & retained by the Duke of Bedford, was againe lost by K. Henric the sixt; a manifest argument of his disability to finish the Conquest of this Land. But when the ciuill Warre betweene the two Houses was kindled, the Kings of England were so farre from reducing al the Irish vnder their Obedience, as they drew out of Ireland to strengthen their parties, al the Nobility and Gentry descended of English race, which gaue opportuni-
tie

tie to the Irishry, to inuade the Lands of the English Colonies, and did hazard the losse of the whole kingdom. For, though the Duke of Yorke did, while he liued in *Ireland*, carrie himselfe respectiue towards all the Nobility, to win the generall loue of all, bearing equall fauour to the *Giraldines* and the *Butlers* (as appeared at the Christning of *George* duke of *Clarence*, who was borne in the Castle of *Dublin*, where he made both the Earle of *Kildare*, and the Earle of *Ormond* his Gossips:) And hauing occasion diuers times to passe into *England*; hee left the sworde with *Kildare* at one time, and with *Ormond* at another: & when he lost his life at *wakefield*, there were slaine with him diuers of both those families. Yet afterwards, those two Noble houses of *Ireland*, did seuerally follow the two Royall houses of *England*; the *Giraldines* adhering to the house of *Yorke*, and the *Butlers* to the

N house

*Hollingshead in
Hen. 6.*

Manuscript of
Baron Finglas.

house of *Lancaster*. Whereby it came to passe, that not onely the principall Gentlemen of both those Sur-names, but all their friendes and dependants did passe into *England*, leauing their Lands and possessions to be ouer-run by the Irish. These impediments, or rather impossibilities of finishing the Conquest of *Ireland*, did continue till the Warres of *Lancaster* & *Yorke* were ended: which was about the 12. yeare of King *Edward* the fourth.

Thus hitherto the Kings of *England* were hindred from finishing this Conquest by great and apparant impediments: *Henrie* the second, by the rebellion of his sonnes: King *Iohn*, *Henry* the third, & *Edward* the second, by the Barons warres: *Edward* the first by his warres in *wales* and *Scotland*: *Edward* the third, and *Henry* the fift, by the warres of *France*: *Richard* the second, *Henry* the fourth, *Henrie* the sixt, and *Edward* the fourth, by Domestick contention.

tention for the Crowne of England it selfe.

BVt the fire of the ciuil warre being vtterly quenched, and K. Edward the fourth setled in the peaceable possession of the Crowne of England, what did then hinder that warlicke Prince from reducing of *Ireland* also? First, the whole Realme of England was miserably wasted, depopulated & impouerished by the late ciuil dissensions; yet as soon as it had recovered it selfe with a little peace and rest, this King raised an Army, and reuiued the Title of *France* againe: howbeit, this Army was no sooner transmitted and brought into the fielde, but the two Kings also were brought to an interview. Whereupon, partly by the faire and white promises of *Lewes* the II. and partly by the corruption of some of King *Edwards* Minions, the english forces were broken and dismissed, &

Edward 4

King Edward returned into England, where shortly after finding himselfe deluded and abused by the French, he dyed with melancholy, and vexation of spirit.

Richard 3

[Omit to speake of Richard the Vsurper, who neuer got the quiet possession of England, but was cast out by Henry the seauenth, within two yeares and a halfe, after his Vsurpation.

Henrie 7.

AND for King Henry the seauenth himselfe, thogh he made that happy vnion of the two houses, yet for more then half the space of his raign, there were walking Spirites of the house of Yorke, aswell in Ireland as in England, which he could not coniure downe, without expence of some bloud and Treasure. But in his later times, hee did wholly studye to improve the Reuennues of the Crowne in both Kingdomes; with an intent to

to prouide meanes for some great action which he intēded : which doubtlesse, if hee had liued, woulde rather haue improued a iourney into *Fraunce*, then into *Ireland*, because in the eyes of all men, it was a fayrer enterprize.

T Herefore King *Henry* the eight, in the beginning of his raigne, made a Voyage Royall into *France*; wherein he spent the greatest part of that treasure, which his Father had frugally reserved; perhaps for the like purpose. In the latter end of his raign, he made the like iourney, being enricht with the Reuennewes of the Abbey Lands. But in the middle time between these two attemptes, the great alteration which hee made in the State ecclesiasticall, caused him to stand vpon his guard at home; the Pope hauing solicited al the Princes of Christendom to reuenge his quarrell in that behalf. And thus was King *Henry* the eight,

Henrie 8

tained and diuerted from the absolute reducing of the kingdom of *Ireland*.

*R. Edward
6. and Qu.
Marie.*

LAstly, the infancie of King Edward the sixt, and the Couerture of Qu. Mary (which are both *Non abilities* in the Lawe) did in fact disable them to accomplish the Conquest of Ireland.

*Quee: E-
lizabeth.*

SO as now this great worke did remaine to be performed by Queene ELIZABETH; who though shee were diuerted by suppressing the open rebellion in the North; by preuenting diuers secret Conspiracies against her person; by giuing ayds to the *French*, and States of the *Low-Countries*; by maintaining a Nauall war with *Spaine* for many years together: yet the sundry rebellions, ioyned with forraign inuasions vpon this Island, whereby it was in danger to be vtterly lost, & to bee possessed by the enemies of the Crowne

Crowne of *England*, did quicken her Maiesties care for the preservation thereof; and to that end, from time to time during her raigne, she sent ouer such supplies of men and treasure, as did suppress the Rebels, and repell the inuaders. Howbeit, before the transmitting of the last great army, the forces sent ouer by *Queene Elizabeth*, were not of sufficient power to break and subdue all the *Irishry*, and to reduce and reforme the whole Kingdome; but when the generall defection came, which came not without a special prouidence for the final good of that kingdome (though the second causes thereof, were the faint prosecution of the Warre against *Tyrone*; the practises of Priests and Iesuites, & the expectation of the ayds frō *Spaine*) Then the extreame perill of loosing the Kingdome; the dishonor & danger that might thereby growe to the Crowne of *England*; together with a
iust

iust disdain conceived by that great-minded Queene, that so wicked and vngratefull a Rebelle should preuayle against Her, who had euer been victorious against all her enemies, did moue, and almost enforce her to send ouer that mighty army: and did withall enflame the hearts of the Subiects of *England*, chearefully to contribute towards the maintaining thereof, a Million of sterling poundes at least: which was done with a purpose only to *Saue*, and not to *Gain* a kingdom; To keep and retaine that *Soueraignetie*, which the Crowne of *England* had in *Ireland* (such as it was) and not to recouer a more absolute Dominion. But,

„ as it falleth out many times, that when
 „ a house is on fire, the Owner to saue
 „ it from burning, pulleth it downe to
 „ the ground; but that pulling downe,
 „ doeth giue occasion of building it vp
 „ againe in a better forme: So, these last
 warres, which to saue the Kingdome
 did

did vtterly breake & distroy this people, produced a better effect then was at first expected. For, *euery Rebellion, when it is suppressed, dooth make the subiect weaker, and the Prince stronger.* So, this general reuolt when it was ouercom, did produce a generall Obedience & Reformation of al the Irishrie, which euer before had beene disobedient & vnreformed; & thereupon ensued the finall and full conquest of *Ireland.*

And thus much may suffice to bee spoken, touching the defectes in the martiall affayres, and *the weake & faint prosecution of the warre*; and of the seuerall *Impediments or imployments*, which did hinder or diuert euery King of *England* successiuelly, from reducing *Ireland* to their absolute subiection.

IT now remaineth, that wee shew *the defectes of the Ciuil Pollicy & Gouvernement*, which gaue no lesse impediment to the perfection of this Conquest.

O

The

^{2.}
The defectes in the ciuill pollicy & gouernment.

1. The Lawes
of England
were not giue
to the meere
Irish.

Matth. Paris
Hisor. maior.
fol. 121.

Matth. Paris
Hisor. maior.
220. b.

11. Hen. 3. pat.
m. 3.

THe first of that kinde, doeth consist in this: *That the Crown of England did not from the beginning giue Lawes to the Irisbry;* whereas to giue Lawes to a conquered people, is the principall marke and effect of a perfect Conquest. For, albeit King Henrie the second, before his returne out of Ireland, held a Counsell or Parliament at *Lissemore; Vbi Leges Angliæ ab omnibus sunt gratanter receptæ, & Iuratoria Cauti- one præstata confirmatæ,* as Matth. Paris writeth;

And though King Iohn in the 12. yeare of his raigne, did establisth the English Lawes and Customes heere, and placed Sheriffes and other Ministers to rule and gouerne the people, according to the Law of England: and to that end, *Ipse duxit secum viros discretos & legis peritos, quorum communi consilio Statuit & præcepit, leges Anglicanas teneri in Hibernia, &c.* as wee finde it recorded among the Patent Rolles in the
Tower.

Tower. 11. Hen. 3. m. 3. Though likewise, King Henrie the third did graunt & transmit the like Charter of liberties to his subiects of Ireland, as himselfe and his Father had graunted to the Subiects of England, as appeareth by another Recorde in the Tower, 1. Hen, 3. Pat. m. 13. And afterwards, by a speciall Writ, did commaund the Lord Iustice of Ireland, *Quod conuocatis Archiepiscopis, Episcopis, Comitibus, Baronibus, &c. Coram eis legifaceret Chartam Regis Iohannis; quam ipse legi fecit & iurari à Magnatibus Hibernia, de legibus & Constitutionibus Anglia obseruandis, & quod leges illas teneant & obseruent.* 12. Hen. 3. Claus. m. 8. And after that againe, the same King by Letters Patents vnder the great seale of England, did confirme the establishment of the English Lawes made by King Iohn, in this forme: *Quia pro Communi utilitate terra Hibernia, ac vñitate terrarum, de Communi Consilio prouisum sit, quod omnes leges & consuetudines quæ in regno Anglia tenentur, in Hiberniâ teneantur, & eadem terra eiusdem legibus subiaceat, ac per easdem regatur, sicut Iohan-*

30. H. 3. pat.
m. 20.

The meere Irish not admitted to have the benefit of the Lawes of England.

The meere Irish reputed Aliens.

nes Rex, cum illuc esset, Statuit & firmiter mandavit; ideo volumus quod omnia brevia de Communi Iure, qua currunt in Anglia, similiter currant in Hibernia, sub nouo sigillo nostro, &c. Teste meipso apud woodstocke, &c. Which confirmation is found among the Patent-Rolles in the Tower, Anno 30. Hen. 3. Notwithstanding, it is euident by all the Records of this Kingdome, that onely the English Colonies, and some few Septs of the Irishry, which were enfranchised by special Charters, wer admitted to the benefit and protection of the Lawes of England; and that the Irish generally, were held and reputed *Aliens*, or rather enemies to the Crowne of England; insomuch, as they were not only disabled to bring anie actions, but they were so farre out of the protection of the Lawe, as it was often adiudged no felony to kill a meere Irish-man in the time of peace.

That the meere Irish were reputed *Aliens*, appeareth by fundrie Records; wherein Iudgement is demanded,

ded, if they shall be answered in Actions brought by them : and likewise, by the Charters of Denization, which in all Ages were purchased by them.

In the common plea-Rolles of 28. Edward the third (which are yet preserved in Breminghams Tower) this case is adiudged . Simon Neal brought an action of trespasse against william Newlagh for breaking his Close in Claudalkin, in the County of Dublin ; the Defendant doth plead, that the plaintiffe is *Hibernicus, & non de Quinque sanguinibus* ; and demandeth iudgement, if he shall be answered. The Plaintiffe replieth ; *Quod ipse est de quinque sanguinibus (viz.) De les Oneiles de Ulton, qui per Concessionem progenitorũ Domini Regis ; Libertatibus Anglicis gaudere debent & utuntur, & pro liberis hominibus reputantur.* The Defendant reioyneth ; that the Plaintiffe is not of the *Oneales of Ulster, Nec de quinque sanguinibus* . And thereupon they are at yssue. Which being found for the Plaintiffe, he had

O 3

Iudge-

Archiv. in Castro Dublin.

*Archiv. in Ca-
stro Dublin.*

Judgement to recouer his dammages
against the Defendant. By this Record
it apeareth that five principal blouds,
or Septs, of the Irishry, were by speci-
all grace enfranchised and enabled to
take benefit of the Lawes of England;
And that the Nation of O Neales in Vl-
ster, was one of the five. And in the
like case, 3. of Edward the second, a-
mong the Plea-Rolles in Breminghams
Tower: All the 5. Septs or blouds, *Qui
gaudeant lege Anglicana quoad breuia portâda*, are
expressed, namely; *Oneil de Vltonia; O Molaghlin
de Midia; O Connoghor de Connacia; O Brien de
Thotmonia; & Mac Murrogh de Lagenia*:
And yet I finde, that O Neale himselfe
long after, (viz.) in 20. Ed. 4. vpon his
mariage with a daughter of the house
of Kildare (to satisfie the friends of the
Lady,) was made denizen by a special
Act of Parliament. 20. Ed. 4. C. 8.

Againe, in the 29. of Ed. 1. before
the Iustices in Eire at Drogheda, Thomas
le Botteler broght an action of *Detinuc*
against Robert de Almain. for certaine
goods.

goods. The Defendant pleadeth, *Quod non tenetur ei inde respondere, eo quod est Hibernicus, & non de libero sanguine. Et predictus Thomas dicit, quod Anglicus est, & hoc petit quod inquiratur per patriam, Ideo fiat inde iurat. &c. Iurat dicunt super Sacramentum suum, quod predictus Thomas Anglicus est, ideo consideratum est quod recuperet, &c.*

Archiv. in Castro Dublin.

These two Records among many other, do sufficiently shewe, that the Irish were disabled to bring any actions at the common Lawe. Touching their denizations, they were common in euerie Kinges raigne, since Henrie the second, and were neuer out of vse, till his Maiesty that now is, came to the Crowne.

Among the Pleas of the Crown, 4. of Edw. 2. we finde a confirmation made by Edw. 1. of a Charter of Denization granted by Henrie the second, to certain Oostmen, or Easterlings, who were Inhabitantes of Waterford long before Hen. 2. attempted the conquest of Ireland. *Edwardus dei gratia, &c. Institiario suo Hibernia. Salutem: Quia per Inspectionem Chartæ*

Archiv. in Castro Dublin.

Charta Dom. Hen Reg. filij Imperatricis quondam Dom. Hibernia proavi nostri nobis Constat, quod Ostmanni de Waterford legem Anglicorum in Hibernia habere, & secundam ipsam legem Indicari & deduci debent: vobis mandamus quod Gillicrist Mac Gilmurrij, Willielmum & Iohannem Mac Gilmurrij & alios Ostmannos de ciuitate & Comitatu Waterford, qui de predictis Ostmannis predict. Dom. Henr. proavi nostri originem duxerunt, legem Anglicorum in partibus illis iuxta tenorem Charta predict. habere, & eos secundum ipsam legem (quantū in nobis est, deduci faciatis) donec aliud de Consilio nostro inde duxerimus ordinand. In cuius rei, &c. Teste meipso apud Acton Burnell. 5. Octobris anno regni nostri undecimo.

Archiz. in Castro Dublin.

Againe, among the Patent Rolles of 1. Ed. the fourth, remaining in the Chancery heere, we finde a Patent of Denization, graunted the 13. of Edward the first, in these Wordes ;
Edwardus Dei gratia, Rex Anglia, Dom. Hibernia, Dux Aquitania, &c. Omnibus Balliuis et fidelibus suis in Hibernia, Salutem: Volentes Christo- phero filio Donaldi Hibernico gratiam facere speci- alem, concedimus pro nobis et heredibus nostris, quod idem Christopherus hanc habeat libertatem, (viz.) Quod ipse de cetero in Hibernia utatur le- gibus Anglicanis, et prohibemus ne quisquam con- tra hanc concessione nostram dictum Christopherū vexet

vexet in aliquo vel perturbet. In cuius rei Testimonium, &c. Teste meipso apud Westm. 27. die Iunij. anno regni nostri. 13.

In the same Roll, wee finde another Charter of Denization, graunted in the first of Edw. 4. in a more larger and beneficiall forme. Edw. Dei gratia, &c. Omnibus Balliis, &c. Salutem. Sciatis quod nos volentes Willielmum O Bolgir capellanum de Hibernica Natione existentem, favore prosequi gratioso, de gratia nostra speciali, &c. Concessimus eidem Willielmo, quod ipse liberi sit Status. et libera conditionis, et ab omni servitute Hibernicâ liber et quietus, et quod ipse legibus Anglicanis in omnibus et per omnia uti possit et gaudere, eodem modo, quo homines Anglici infra dictam terram eas habent, et ipsi gaudent et utuntur, quodq. ipse respondeat, et respondeatur, in quibuscumque Curijs nostris: ac omnino. terras, tenementa, redditus, et servitia perquirere possit sibi et heredibus suis imperpetuum, &c.

Archân. in Castro Dublin.

If I should Collect out of the Records, all the Charters of this kind, I should make a Volume thereof; but these may suffice to shew, That the meere Irish were not reputed free subiects; nor admitted to the benefit

P

of

of the Lawes of *England*, vntill they had purchased Charters of Denization.

That the meere Irish were reputed enemies to the crowne.

Lastly, the meere Irish were not onely accompted *Aliens*, but *Enemies*; and altogether out of the protection of the Law; so as it was no capitall offence to kill them; and this is manifest by many Records. At a Gaol-delivery at *waterford*, before *Iohn wogan* Lord Iustice of Ireland, the 4. of *Edw.* the second, wee finde it recorded among the pleas of the Crown of that yeare, *Quod Robertus le Wyleys reclusus de morte Iohannis filij Iuor Mac Gillemory felonice per ipsum interfecti, &c. Venit et bene cognouit quod predictum Iohannem interfecit: dicit tamen quod per eius interfectionem feloniam committere non potuit, quia dicit, quod predictus Iohannes fuit purus Hibernicus, et non de libero sanguine, &c. Et cum Dominus dicti Iohannis (cuius Hibernicus idem Iohannes fuit) die quo interfectus fuit, solutionem pro ipso Iohanne Hibernico suo sic interfecto petere voluerit, ipse Robertus paratus erit ad respondend de solutione predict. prout Iustitia suadebit. Et super hoc venit quidam Iohannes le Poer, et dicit pro Domino Rege, quod predict.*

Archiv. in Castro Dublm.

prædict. Iohannes filius Iuor Mac Gillemory, et antecessores sui de cognomine prædict. a tempore quo Dominus Henricus filius Imperatricis, quondam Dominus Hibernie. Tritavus Domini Regis nunc, fuit in Hibernia, legem Anglicorum in Hibernia usque ad hunc diem habere, et secundum ipsam legem Iudicari et deduci debent. And so pleaded the Charter of Denization graunted to the Oostmen recited before; All which appeareth at large in the saide Record: Wherein we may note, that the killing of an Irish man, was not punnished by our Lawe, as Man-slaughter, which is felony and capitall, (for our Law did neither protect his life, nor reuenge his death) but by a Fine or pecuniary punishment, which is called an *Ericke*, according to the *Brehon*, or Irish Law.

Againe, at a Gaol-delivery before the same Lord Iustice at *Limericke*, in the Roll of the same year, we find, that *Willielmus filius Rogeri reatus de morte Rogeri de Cauteton felonice per ipsum interfecti, venit et dicit, quod feloniam per interfectionem prædictâ comittere non potuit, quia dicit qd prædict. Rogerus*

*Archiv. in Cas-
tro Dublin.*

Hibernic. est, et nō de libero sanguine; dicit etiā qd. prædict. Rogerus fuit de Cognomine de Ohederiscall et non de cognomine de cautetons, et de hoc ponit se super patriam, &c. Et Iurati dicunt super Sacram. suum quod prædictus Rogerus Hibernicus fuit et de cognomine de Ohederiscall & pro Hibernico habebatur tota vita sua. Ideo prædict. Willielmus quoad feloniam prædict. quietus. Sed quia prædictus Rogerus Ottederiscall fuit Hibernicus Domini Regis, prædict. Willielmus recommitatur Gaolæ, quousq; plegios inuenerit de quinq; marcis soluendis Domino Regi pro solutione prædicti Hibernici.

But on the other side, if the Iurie had found, that the party slaine had beene of English race and Nation, it had bin adiudged felony; as appeareth by a Record of 29. of Edward the first, in the Crowne-Office heere.

*Archiv. in Cas-
tro Dublin.*

Coram Waltero Lenfant et socijs suis Iustitiarijs Itinerantibus apud Drogheda in Comitatu Louth. Iohannes Laurens indictat. de morte Galfridi Donegal venit & non dedit mortem prædictam: sed dicit quod prædict. Galfridus fuit Hibernicus, et non de libero sanguine, et de bono et malo ponit se super patriam, &c. Et Iurat. dicunt super Sacram. suum quod prædict. Galfridus Anglicus fuit, et ideo prædict. Iohannes culpabilis est de morte Galfridi prædict. Ideo suspend. Catalla 13. s. unde Hugo de Clinton Vicecom. respondet.

Hence

III

Hence it is, that in all the Parli-
ment Rolles which are extant from
the fortith yeare of *Edward* the thirde,
when the Statutes of *Kilkenny* were
enacted, till the raigne of King *Henry*
the eight, we finde the degenerat and
disobedient English, called *Rebelles*;
but the Irish which were not in the
Kings peace, are called *Enemies*. Sta-
tute *Kilkenny*, c. 1. 10. and 11. 11. *Hen*.
4. c. 24. 10. *Hen*. 6. c. 1. 18. 18. *Hen*.
6. c. 4. 5. *Edw*. 4. c. 6. 10. *Hen*. 7. c. 17. All
these Statutes, speak of *English* Rebels,
and *Irish* Enemies; as if the Irish had
neuer bin in condition of Subiectes,
but alwaies out of the protection of
the Law; and were indeede in worse
case then *Aliens* of any forren Realme
that was in amity with the Crowne of
England. For, by diuers heauie pæ-
nall Lawes, the English were forbid-
den to marry, to foster, to make Gof-
sippes with the Irish; or to haue anie
Trade, or commerce in their Markers

*Archius. in Ca-
stro Dublin.*

Stat. de Kilken-
ny c. 2. & 3.
 10. Hen 6. c. 1.
 28. H. 8. c. 13.

or Fayres; nay, there was a Law made no longer since, then the 28. yeare of *Henrie* the eight, that the English should not marry with any person of Irish blood, though he had gotten a Charter of Denization, vnlesse he had done both homage and fealty to the King in the Chancery, and were also bound by Recognisaunce with sureties, to continue a loyall subiect. Whereby it is manifest, that such as had the Gouvernement of *Ireland* vnder the Crowne of *England*, did intend to make a perpetuall separation and enmity betweene the English and the Irish; pretending (no doubt) that the English should in the end roote out the Irish; which the English not being able to do, did cause a perpetuall Warre betweene the nations: which continued foure hundered and odde yeares, and would haue lasted to the Worlds end; if in the end of *Queene Elizabeths* raigne, the Irishry had not beene

beene broken and conquered by the Sword, And since the beginning of his Maiesties raigne, had not bin protected and gouerned by the Law.

BVt perhaps, the Irishry in former times did wilfully refuse to be subiect to the Lawes of England, and would not be partakers of the benefit thereof, though the Crowne of England did desire it; and therefore, they were reputed Aliens, Out-lawes, and enemies. Assuredly, the contrarie doth appeare, aswel by the Charters of Denization purchased by the Irish in all ages, as by a petition preferred by them to the King, *Anno 2. Edward the third*: desiring, that an Act might passe in Ireland, whereby all the Irishrie might be inabled to vse and inioy the Lawes of England, without purchasing of particular Denizations. Vppon which petition, the King directed a speciall Writ to the Lorde Iustice; which

The Irish did desire to bee admitted to the benefit & protection of the English Lawes, but could not obtaine it.

1. Ed. 3. claus. 17

which is found amongst the Close-Rolles in the Tower of London, in this forme; *Rex dilecto & fideli suo Iohannis Darcie Nepieu Iustic. suo Hibernia, Salutem. Ex parte quorundam hominum de Hibernia nobis extitit supplicatum, ut per Statutum inde faciendum concedere velimus, quod omnes Hibernici qui voluerint, legibus utatur Anglicanis: ita quod necesse non habeant super hoc Chartas alienas à nobis impetrare: nos igitur Certiorari volentes si sine alieno præiudicio præmissis annuere valeamus, vobis mandamus quod voluntatem magnatum terr. illius in proximo Parlamento nostro ibidem tenendo super hoc cum diligentia perscrutari facias: et de eo quod inde inueneritis una cum Consilio et aduisamento nobis certificetis, &c.* Whereby I collect, that the great Lordes of Ireland had informed the King that the Irishry might not be naturalized, without damage and prejudice either to themselves, or to the Crowne.

But I am well assured, that the Irishrie did desire to bee admitted to the benefit of the Law, not onely in this petition exhibited to king Edward the third; but by all their submissions made

made to King *Richard* the second, and to the Lord *Thomas* of *Lancaster* before the warres of the two Houses; and afterwards to the Lord *Leonard Gray*, & Sir *Anthony Saint-Leger*, when K. *Henry* the eight began to reforme this kingdome. In particular, the *Birnes* of the Mountaines, in the 34. of *Henrie* the 8 desire that their Countrey might bee made Shire-ground, and called the County of *wicklow*: And in the 23. of *Henry* the eight, *O Donnel* doth Covenant with Sir *Villiam Skeffington*, *Quod si Dominus Rex velit reformare Hiberniam*, (whereof it should seeme hee made some doubt) that hee and his people would gladly bee gouerned by the Lawes of England. Onely that vngratefull Traitor *Tirone*, though hee had no colour or shadowe of Title to that great lordship, but only by grant from the Crowne, and by the Law of England (for by the Irish Law he had beene ranked with the meanest of his

The Counsell
Booke of Ire-
land. 34. Hen. 8

Q

Sept)

Sept) yet in one of his Capitulations with the State, hee required that no Sheriffe might haue iurisdiction within *Tirone*; and consequently, that the Lawes of England might not be executed there: Which request, was neuer before made by *O Neale*, or any other Lorde of the Irishry, when they submitted themselves: but contrarie-wise they were humble suitors to haue the benefit and protection of the English Lawes.

What mischief did grow by not Communicating the English Lawes to the Irish.

THIS then I note as a great defect in the Ciuill policy of this kingdom, in that for the space of 350. yeares at least after the Conquest first attempted, the English lawes were not communicated to the Irish, nor the benefit and protection thereof allowed vnto them, though they earnestly desired and sought the same. For, as long as they were out of the protection of the Lawe; so as euery English-man might

might oppresse, spoyle, and kill them without controulment, howe was it possible they shoulde bee other then Out-Lawes & Enemies to the Crown of England? If the King woulde not admit them to the condition of Subjects, how could they learn to acknowledge and obey him as their Soueraigne? When they might not conuerse or Commerce with any Ciuill men, nor enter into any Towne or Citty without perrill of their Liues; whither should they flye but into the Woods and Mountaines, and there liue in a wilde and barbarous maner? If the English Magistrates would not rule them by the Law which doth punish Treason, and Murder, & Theft with death; but leaue them to be ruled by their owne Lords and Lawes, why shoulde they not embrace their owne *Brebon* Lawe, which punnisheth no offence, but with a Fine or *Erick*? If the Irish bee not permitted to purchase

Q₂

chafe estates of Free-holds or Inheritance, which might discend to their Children, according to the course of our Common Lawe, must they not continue their custome of *Tanistrie*? which makes all their possessions vncertaine, and brings Confusion, Barbarisme, and Inciuility? In a word, if the English woulde neither in peace Gouverne them by the Law, nor could in War root them out by the sword; must they not needes bee prickes in their eyes, and thornes in their sides, till the worlds end? and so the Conquest neuer bee brought to perfection.

What good
would haue
ensued, if the
meere Irish
had bin go-
uerned by the
English lawes,

BVt on the other side; If from the beginning, the Lawes of England had beene established, and the *Brehon* or Irish Law vtterly abolished, aswell in the Irish Countries, as the English Colonies; If there had been no difference made betweene the Nations in
point

point of Iustice and protection, but al
 had beene gouerned by one Equall,
 Iust, and Honourable Lawe, as *Dido*
 speaketh in *Virgill*; *Tros, Tyriusue mihi*
nullo discrimine habetur. If vpon the first
 submission made by the Irish Lordes
 to King *Henry* the second; *Quem in Re-*
gem & Dominum receperunt, saith *Matth.*
Paris; or vpon the second submission
 made to King *Iohn*, when, *Plusquam vi-*
ginti Reguli maximo timore perterriti homa-
gium ei & fidelitatem fecerunt, as the same
 Author writeth; or vppon the third
 general submission made to King *Richard*
 the second; when they did not
 only do homage & fealty, but bound
 themselues by Indentures and Oaths
 (as is before expressed) to becom and
 continue loyall subiects to the crown
 of *England*; If any of these three Kings,
 who came each of them twice in per-
 son into this kingdome, had vppon
 these submissions of the Irishry, recei-
 ued them all, both Lords & Tenants,

Three gene-
 rall submissi-
 ons of the
 Irish.

Q3

into

into their mediate protection, deu-
ded their feuerall Countries into
Counties; made Sheriffes, Coroners,
and Wardens of the peace therein:
sent Iustices Itinerants halfe yearely
into euerie part of the Kingdome, as
well to punish Malefactors, as to heare
and determine causes betweene par-
ty and party, according to the course
of the Lawes of England; taken surren-
ders of their Lands and territories, &
graunted estates vnto them, to holde
by English Tenures; graunted them
Markets, Fayres, and other Franchi-
ses, and erected Corporate Townes
among them; all which, hath bin per-
formed since his Maiesty came to the
Crowne,) assuredly, the Irish Coun-
tries had long since beene reformed
and reduced to Peace, Plenty, and Ci-
uility, which are the effects of Lawes
and good Gouernment: they hadde
builded Houses, planted Orchards &
Gardens: erected Towne-shippes, and
made

made prouision for their posterities; there had beene a perfect Vnion betwixt the Nations, and consequently, a perfect Conquest of *Ireland*. For the Conquest is neuer perfect, till the war be at an end; and the war is not at an end till there be peace and vnity; and there can neuer be vnity & Concord in any one Kingdom, but where there is but one King, one Allegiance, and one Law.

True it is, that King *Iohn* made xii. shires in *Leinster* & *Mounster*: namely, *Dublin*, *Kildare*, *Meth*, *Vriel*, *Catherlogh*, *Kilkenny*, *VVexford*, *waterford*, *Corke*, *Limeric*, *Kerrie*, and *Tipperary*. Yet these Counties did stretch no farther then the Landes of the English Colonies did extend. In them only, were the English Lawes published and put in Execution; and in them only did the Itinerant Iudges make their circuits and yisitations of Iustice, and not in the

The English Lawes were executed only in the English Colonies.

the countries possessed by the Irishry which contained two third partes of the Kingdome at least. And the King Edward the first, before the court of Parliament was established in Ireland, did transmit the Statutes of England in this forme : Dominus Rex mandavit Breve suum in hac verba : Edwardus Dei gratia, Rex Anglia, Dominus Hibernia, &c. Cancellario suo Hibernia, Salutem. Quaedam statuta per nos de assensu Prelatorum, Comitū, Baronū & Communitat. regni nostri nuper apud Lincolne, & quedam alia statuta postmodum apud Eborum facta, que in dicta terra nostra Hibernia ad Communem utilitatē populi nostri eiusdem terra observari volumus, vobis mittimus sub sigillo nostro, mandantes quod statuta illa in dicta Cancellaria nostra Custodiri, ac in rotulis eiusdem Cancellaria irrotulari, & ad singulas placeas nostras in terra nostra Hibernia, & singulos Comitatus eiusdem terra mitti faciatis ministris nostris placearum illarum, et Vicecomitibus dictorum Comitatuū : mandantes, quod statuta illa coram ipsis publicari & ea in omnibus et singulis Articulis suis observari firmiter faciatis. Teste meipso apud Nottingham, &c

By which Writt, and by all the Pipe-Rolles of that time it is manifest, that the Lawes of England were published

Archiv. in Ca-
stro Dublin.

and

and put in execution onely in the Counties, which were then made and limited, & not in the Irish Countries, which were neglected and left wilde; and haue but of late yeares bin deuided in one and twenty Counties more.

Againe, true it is, that by the Statute of *Kilkenny*, enacted in this kingdom, in the fortith yeare of King Edward the thirde, the *Brehon* Law was condemned and abolished, and the vse and practise thereof made High-Treason. But this Lawe extended to the English onely, and not to the Irish: For the Lawe is penned in this forme: Item, *Forasmuch as the diuersitie of Gouvernment by diuers Lawes in one Land, doth make diuersity of ligeance and debates between the people, It is accorded and established, that heereafter no Englishman haue debate with another Englishman, but according to the course of the Common Law; And that no Englishman be ruled in the definition of their debates, by the March-Law, or the Brehon Law, which by reason ought not to bee named a Law, but an euill Custome; but that they*

Statut. de Kilkenny. c. 4.

R

be

beruled as right is, by the common Lawe of the land, as the Lieges of our Soueraigne LORD the King; And if any do to the contrary, & thereof be attainted, that he be taken and imprisoned & iudged as a Traitor: And that heerafter there be no diuersity of ligeance betweene the English borne in Ireland, and the English borne in England, but that all bee called and reputed, English, and the Lieges of our Soueraigne Lord the KING, &c. This Law, was made only to reforme the degenerat English, but there was no care taken for the reformation of the meer Irish; no ordinance, no prouision made for the abolishing of their barbarous Customes and manners. Insomuch as the Law then made for Apparrell, and riding in Saddles, after the English fashion, is penal only to English men, & not to the Irish. But the *Romaine* State, which conquered so many Nations both barbarous and Ciuill; and therefore knewe by experience, the best and readiest way of making a perfect & absolute conquest, refused not to communicate their Lawes to the rude & barbarous people,

The Romaines did communicate their Lawes to the nations, which they conquered.

people, whom they had Conquered; neither did they put them out of their protection, after they had once submitted themselves. But contrary-wise, it is said of *Iulius Cæsar*: *Qua, vicit, victos protegit ille, manu.* And againe, of another Emperor:

*Fecisti patriam diuersis gentibus unam,
Profuit invitis te dominante capi;
Dumq̃, offers victis proprij consortia Iuris,
urbem fecisti, quod prius orbis erat.*

And of Rome it selfe;

*Hac est, in gremium victos qua sola recepit,
Humanumq̃, genus communi nomine fouit,
Matris, non domina, ritu; Civesque vocavit,
Quos domuit, nexuq̃, pio longinquare iunxit.*

Therefore (as *Tacitus* writeth) *Iulius Agricola* the Romaine Generall in *Brittany*, vsed this pollicy to make a perfect Conquest of our Ancestours, the ancient *Brittaines*; They were (sayth he) rude, and disperfed; and therfore

*Tacitus in vita
Agricolæ.*

prone vpon euery occasion to make warre, but to induce them by pleasure to quietnesse and rest, he exhorted them in priuate, and gaue them helps in common, to builde Temples, Houses, and places of publique resort. The Noblemens sonnes, hee tooke and instructed in the Liberall Sciences, &c. preferring the wits of the *Brittaines*, before the Students of *France*; as beeing now curious to attaine the Eloquence of the Romaine Language, whereas they lately reiected that speech. After that, the *Roman* Attire grew to be in account, and the *Gowne* to be in vse among them; and so by little and little they proceeded to curiosity & delicacies in Buildings, and furniture of Household; in Bathes, and exquisit Banquets; and so beeing come to the heighth of Ciuility, they were thereby brought to an absolute subiection.

Likewise,

Likewise, our Norman Conqueror, though he oppressed the English Nobility very fore, and gaue away to his seruitors, the Lands and possessions of such, as did oppose his first inuasion, though he caused all his Actes of Counsel to be published in *French*; and some legall proceedings & pleadings to bee framed and vied in the same tongue, as a marke and badge of a conquest; yet he gouerned Al, both English and Normans, by one & the same Law; which was the auncient common Law of England, long before the Conquest. Neither did he denie any English-man (that submitted himselfe vnto him:) The benefit of that Law thogh it were against a Norman of the best ranke, and in greatest fauour (as appeared in the notable Controuerfie betweene *Warren* the Norman, and *Sherburne* of *Sherburne* Castle in *Norfolke*; for the Conquerour had giuen that Castle to *warren*; yet

William the Conquerour gouerned both the Normans and the English vnder one Law.

*Causden in
Northfolke.*

when the Inheritors thereof, had al-
ledged before the King, that he neuer
bore Armes against him; that hee was
his subiect, as well as the other, & that
he did inherit and hold his Landes, by
the rules of that Law, which the King
had established among all his Sub-
iects; The King gaue iudgement a-
gainst *Warren*, and commanded that
Sherborn should hold his land in peace.
By this meane, him-selfe obtained a
peaceable possession of the kingdom
within few yeares; whereas, if he had
cast all the English out of his protec-
tion, and held them as Aliens and E-
nemies to the Crowne, the Normans
(perhaps) might haue spent as much
time in the Conquest of *England*, as
the English haue spent in the Con-
quest of *Ireland*.

King Edw. 1.
did communi-
cate the Eng-
lish Lawes to
the Welsh-
men.

THE like prudent course hath bin
observed in reducing of Wales;
which was performed partly by King
Edward

Edward the first, and altogether finished by King Henry the eight. For, we finde by the Statute of Rutland, made the 12. of Edward the first, when the Welshmen had submitted themselves, *De alto & Basso*, to that King, he did not reiect and cast them off, as Out-lawes and Enemies, but caused their Lawes and Customes to be examined, which were in many points agreeable to the Irish or Brebon Lawe. *Quibus diligenter auditis & plenius intellectis, quasdam illarū* (saith the King in that Ordinance) *Consilio procerum dileuimus; quasdam permissimus; quasdam correximus; ac etiā quasdam alias adiiciendas et faciend. decreuimus;* and so established a Commonwealth among them, according to the forme of the English Gouvernement. After this, by reason of the fundry insurrections of the Barons; the Warres in France; and the dissention betweene the houses of Yorke and Lancaster, the State of England, neglected or omitted

ted the execution of this Statute of *Rutland*; so as a great part of Wales grew wilde and barbarous again. And therefore King *Henrie* the eight, by the Statutes of the 27. and 32. of his raign, did reuiue and recontinue that Noble worke begun by King *Edward* the first; and brought it indeed to full perfection; For he vnited the Dominion of Wales, to the Crown of England, and deuided it into Shires, and erected in euery Shire, one Borough, as in England; and enabled them to send Knights & Burgessees to the Parliament; established a Court of Presidency; and ordained that Iustices of Assise, and *Gaol-delinerie*, should make their halfe yearly Circuits there, as in England; made all the Lawes & Statutes of *England*, in force there; and among other Welsh Customes, abolished that of *Gauel-kinde*: wherby the Heyres-Females were vtterlie excluded, and the Bastards did inherit, as wel

well as the Legimate, which is the very Irish *Gauelkinde*. By means whereof; that entire Country in a short time was securely fetled in peace and Obedience, and hath attained to that Ciuility of Manners, and plentie of all things. as now we finde it not inferior to the best parts of *England*.

I will therefore knit vp this point with these conclusions; First, that the Kings of *England*, which in former Ages attempted the Conquest of *Ireland*, being ill aduised and counselled by the great men heere, did not vpon the submissions of the Irish, communicate their Lawes vnto them, nor admit them to the state and condition of Free-subiectes : Secondly, that for the space of 200. yeares at least, after the first arriual of *Henry* the second in *Ireland*, the Irish would gladly haue embraced the Lawes of *England*, and did earnestly desire the benefite and protection thereof; which being denied

denied them, did of necessitie cause a continuall bordering warre between the English and the Irish. And lastly, if according to the examples before recited, they had reduced as well the Irish Countries, as the English Colonies, vnder one forme of ciuil gouernment (as now they are,) the Meres & Bounds of the Marches and Borders, had beene long since worne out and forgotten, (for it is not fit, as *Cambrensis* writeth) that a King of an Islande should haue any Marches or Borders, but the foure Seas) both Nations had beene incorporated and vnited; *Ireland* had beene entirely Conquered, Planted, and Improoued; and returned a rich Reuennew to the Crowne of *England*.

Giraldus Cambrensis. lib. 2. de Hiberniâ expugnata.

2.
The Landes conquered from the Irish were not well distributed.

THE next error in the Ciuill pollicy which hindered the perfection of the Conquest of *Ireland*, did consist in the *Distribution* of the Landes and posses-

possessions which were wonne and conquered from the Irish. For, the *Scopes of Land* which were graunted to the first Aduenturers, *were too Large*; and the *Liberties* and *Royalties*, which they obtained therein, *were too great for Subiects*: though it stood with reason that they should be rewarded liberally out of the fruites of their owne Labours, since they did *Militare proprijs Stipendijs*, and receiued no pay from the Crowne of England. Notwithstanding there ensued diuers inconuiences, that gaue great impediment to the Conquest.

First, the Earle Strongbow was entituled to the whole Kingdom of *Leinster*; partly by Inuasion, and partly by Marriage; albeit, hee surrendered the same entirely to King *Henrie* the second his Soueraigne; for that with his license hee came ouer; and with the Ayde of his Subiects, hee had gayned

The proportions of Land graunted to the first Aduenturers, *were too large*

Giraldus Cam-
brensis. lib. 2.
de Hiberniâ
expugnata

In Archiv. Tyr.
5. Edw. 3. Es-
cheat nume^r
10 104.

2. Iohannis
Chart. m. 15. &
m. 38.

6. Iohan. Chart.
m. 1.
7. Iohan. Chart.
m. 12. & n. 109
6. Ed. 1. Chart.
m. 19.

18. Ed. 1. m. 29.

Girald. Cambr.
lib. 2. de Hiber-
nia expug.

that great inheritance; yet did the K. re-grant backe againe to him and his heyres all that Prouince, referuing onely the Citty of *Dublin*, & the Cantreds next adioyning, with the Maritime Townes, and principall Forts & Castles. Next, the same King granted to *Robert Fitz-Stephen*, and *Miles Cogan*, the whole Kingdome of *Corke*, from *Lismore* to the Sea. To *Phillip le Bruce*, he gaue the whole Kingdome of *Limericke*, with the Donation and Byshopprickes and Abbeyes (except the Citty, and one Cantred of Land adioyning.) To *Sir Hugh de Lacy*, all *Meib.* To *Sir Iohn De Courcy*, all *Ulster*: to *William Burke Fitz-Adelm*, the greatest part of *Conaght*. In like manner, *Sir Thomas de Clare*, obtained a graunt of all *Thomond*; and *Otho de Grandison* of all *Tipperary*; and *Robert la Poer*, of the territory of *Waterford*, (the Citty it selfe, and the Cantred of the Oastmen onely excepted.) And thus was all Ireland Can-

Cantonized among tenne persons of the English Nation; And thogh they had not gained the possession of one third part of the whole Kingdom, yet in Title they were Owners and Lords of all, so as nothing was left to bee graunted to the Natiues. And therefore we do not find in any Record or storie for the space of three hundred yeares, after these Aduenturers first arrived in Ireland, that any Irish Lorde obtained a grant of his Country from the Crowne, but onely the King of Thomond, who had a grant but during King Henry the third his Minority: and Rotherick O Connor, King of Conaght, to whom King Henrie the second, before this distribution made, did graunt (as is before declared.) *Vt sit Rex sub eo; & moreouer, Vt teneat terram suam Conactia ita bene & in pace, sicut tenuit antequam Dominus Rex intraret Hiberniam.* And whose successour, in the 24. of Henrie the third, when the Bourkes had made

All Ireland distributed to ten persons of the English Nation.

6. H. 3. Chart. m. 2.

Houeden in H. 2. fol. 302. Archiu. turr. 17 Iohannis Chart. m. 36

6. Iohannis Claus. m. 18.

*Matth. Paris in
Henry the third.*

a strong plantation there, & had wel-
ny expelled him out of his territory,
he came ouer into *England*, (as *Matth.
Paris* writeth) and made complaint to
King *Henrie* the third of this inuasion
made by the *Bourkes* vppon his Land,
insisting vppon the grauntes of King
Henrie the second, and King *Iohn*; and
affirming, that he had duely paide an
yearely tribute of fiue thousand marks
for his Kingdome. Whereupon, the
King called vnto him the Lord *Mau-
rice Fitz-Girald*, who was then Lorde
Iustice of Ireland, and President in the
Court; and commanded him that he
should roote out that vniust plantati-
on, which *Hubert Earle of Kent* had in
the time of his greatnesse, planted in
those parts; and wrote withall to the
great men of *Ireland* to remooue the
Bourkes, and to establisth the King of
Conaght in the quiet possession of his
Kingdome. Howbeit I doe not read
that the King of Englands comman-
dement

dement or direction in this behalfe, was euer put in execution. For, the troth is; *Richard de Burgo* had obtained a graunt of all *Conaght*, after the death of the King of *Conaght*, then liuing. For which he gaue a thousand pounce, as the Record in the Tower reciteth, the third of *Henry 3.* claus. 2. And besides, our great English Lords coulde not endure that any Kings should raigne in Ireland, but themselfes; nay, they could hardly endure that the Crown of *England* it selfe, should haue any Iurisdiction or power ouer them. For many of these Lordes, to whome our Kings had granted these petty kingdomes, did by Vertue and colour of these Grants, claime and exercise *Iura Regalia* within their Territories; inso-much, as there were no lesse the eight Counties Palatines in Ireland, at one time.

For *William Marshall*, Earle of *Pembroke*, who married the daughter and heyre

3. *Henric 3.*

The Liberties granted to the first aduenturers were too great.

8. Counties Palatines in Ireland at one time.

Annales Hibernie in Camden.

*In Archiv. Tur.
11. Edw. 3. Es-
cheat n. 28.*

*5. Counties
Palatines in
Leinster.*

heyre of Strongbow, being Lord of all Leynster, had Royall Iurisdiction thoroughout al that Prouince. This great Lord had five sonnes, and five daughters; euery of his sonnes enioyed that Seigniory successiuelly, and yet al died without Issue. Then this great Lordship was broken and diuided, & partition made betweene the five daughters, who were married into the Noblest Houses of England. The Countie of Catherlogh was allotted to the eldest; Wexford to the second; Kilkenny to the third; Kildare to the fourth; the greatest part of Leix, nowe called the Queenes County, to the fift: In euery of these portions, the Coparceners severally exercised the same Iurisdiction Royall, which the Earle Marshall and his Sonnes had vsed in the whole Prouince. Whereby it came to passe, that there were five County Palatines erected in Leinster. Then had the Lord of Meth the same Royall libertie in all that

that Territory; the Earle of *Ulster* in all that Prouince; and the Lorde of *Desmond* and *Kerry* within that County. All these appeare vppon Record, and were all as ancient as the time of King *Iohn*; onely the liberty of *Tipperrarie*, which is the onely Liberty that remaineth at this day, was granted to *James Butler* the first Earle of *Ormond*, in the third yeare of King *Edward* the third.

Archiu. in Castro Dublin.

Archiu. Turv. pat. 3. E. 3. m. 28

These absolute Palatines made Barons & Knights, did exercise high Iustice in all points within their Territories, erected Courts for Criminall and ciuill Causes, and for their owne Reuennews; in the same forme, as the Kings Courts wer established at *Dublin*; made their own Iudges, Seneshals, Sheriffes, Corroners, and Escheators; so as the Kinges Writt did not run in those Counties (which took vp more then two partes of the English Colonies) but onely in the Church Lands

Archiu. in Castro Dublin.

T lying

lying within the same, which were called the *Crosse*, wherein the K. made a Sheriffe : And so, in each of these Counties Palatines, there were two Sheriffes; One, of the *Libertie*; & another of the *Crosse*: As in *Meth* we find a Sheriffe of the *Liberty*, and a Sheriffe of the *Crosse*: And so in *Ulster*, & so in *wexford*: And so at this day, the Earle of *Ormond* maketh a Sheriffe of the *Liberty*, and the King a Sheriffe of the *Crosse* of *Tipperary*. Heereby it is manifest, how much the Kinges Iurisdiction was restrained, and the power of these Lords enlarged by these High Priuiledges. And it doth further appear, by one Article among others, preferred to King *Edward* the thirde, touching the reformation of the state of *Ireland*, which we finde in the *Tower*, in these words; *Item les franchises grantees in Irelād, que sont Roiales, telles comme Duresme & Cestre, vous oustont cybien de les profits, Come de graunde partie de*

Obei

Obcissance des persons enfranchises; & en quesce franchise est Chancellerie, Chequer & Conusans de pleas, cybien de la Couronne, come autres communes, & grantont auxi Charters de pardon; et sont souent per ley et reasnable cause seisses en vostre main, a grand profit de vous; et leigerment restitues per maundement hors de Engleterre, a damage, &c. Vnto which Article, the K. made answer; Le Roy voet que les franchises que sont et seront per iuste cause prises en sa main, ne soient my restitues, auant que le Roy soit certifie de la cause de la prise de icelles. 26. Ed. 3. Claus. m. 1.

Again, these great Vndertakers, were not tied to any forme of plantation, but all was left to their discretion and pleasure. And although they builded Castles, and made Free-holders, yet were there no tenures or seruices reserved to the Crowne; but the Lords drew all the respect and dependencie of the common people, vnto Themselves. Nowe let vs see what inconueniences did arise by these large and ample Grants of Landes and Liberties, to the first Aduenturers in the Conquest.

The inconueniences which grew by the large graunts of Lands and Liberties.

A Suredly by these Grants of whole Prouinces and pettie Kingdomes, those few English Lordes pretended to be proprietors of all the Land, so as there was no possibility left of settling the Natiues in their possessions, and by consequence the Conquest became impossible, without the vtter extirpation of all the Irish; which these English Lords were not able to doe, nor perhaps willing, if they had bin able. Notwithstanding, because they did still hope to become Lordes of those Lands which were possessed by the Irish, whereunto they pretended Title by their large Grants; and because they did feare, that if the Irish were receiued into the Kings protection, and made Liege-men and Free-subiectes, the state of *England* woulde establish them in their possessions by Graunts from the Crowne; reduce their Countries into Counties, ennoble some of them; and enfranchise all, and make them

them amesueable to the Lawe, which woulde haue abridged and cut off a great part of that greatnesse which they had promised vnto themselues: they perswaded the King of England, that it was vnfit to Communicate the Lawes of England vnto them; that it was the best pollicie to holde them as Aliens and Enemies, and to prosecute them with a continuall warre. Heereby they obtained another Royal prerogatiue and power: which was, to make Warre and peace at their pleasure, in euery part of the Kingdome. Which gaue them an absolute Command ouer the Bodies, Landes, and Goods of the English subiectes heere. And besides, the Irish inhabiting the Lands fully Conquered and reduced, being in condition of slaues and Villaines, did render a greater profit and Reuennew, then if they had bin made the Kings Free-subiects.

And for these two causes last ex-

T 3

pressed,

The English
Lords in Ire-
land, made
war and peace
at their plea-
sure.

pressed, they were not willing to root out all the Irishry. We may not therefore meruaile, that when King Edward the third, vpon the petition of the Irish (as is before remembred) was desirous to be certified, *De voluntate magnatum suorum in proximo Parlamento in Hibernia tenend si sine alieno præiudicio cōcedere possit, quod per statut. inde fact. Hibernici vtantur legibus Anglicanis, siue chartis Regijs inde Impetrandis*, that there was neuer any Statute made to that effect. For the troth is, that those great English Lords did to the vttermost of their power, crosse and withstand the enfranchisement of the Irish, for the causes before expressed; Wherein I must stil cleare and acquit the Crown and State of England, of negligence or ill pollicy, and lay the fault vppon the Pride, Couetousnesse, & ill Counsell of the English planted heer, which in all former ages haue bin the chiefe impediments of the final Conquest of Ireland.

Againe,

A Gaine, those large scopes of Land, and great Liberties, with the absolute power to make warre and peace, did raise the English Lordes to that height of Pride and Ambition, as that they could not endure one another, but grew to a mortall warre and dissention among themselves: as appeareth by all the Records and Stories of this Kingdome. First, in the yeare, 1204. the *Lacies* of *Meth*, made Warre vpon Sir *Iohn Courcy*; who hauing taken him by treachery, sent him prisoner into England. In the yeare, 1210. King *Iohn* comming ouer in person, expelled the *Lacies* out of the Kingdome, for their tyranny and oppression of the English: howbeit, vppon payment of great Fines, they were afterward restored. In the yeare, 1228. that family beeing risen to a greater heighth (for *Hugh de Lacy* the yonger, was created Earle of *Ulster*, after the death of *Courcy* without yssue) there arose

The war and
dissention of
the English
Lordes one
with another.

Annales Hibernie in Camden.

rose diffention and warre betweene that house, and *William Marshall* Lorde of *Leinster*; whereby all *Meth* was destroyed and layd wast. In the yeare, 1164. *Sir Walter Bourke* hauing married the Daughter & heire of *Lacy*, whereby he was Earl of *Visster* in right of his Wife, had mortall debate with *Maurice Fitz-Morice* the *Geraldine*, for certaine Lands in *Conaght*. So as all *Ireland* was full of Wars between the *Bourkes* and the *Geraldines* (say our *Annalles*.) Wherein *Maurice Fitz-Morice* grew so insolent, as that vppon a meeting at *Thistledermot*, he took the Lord Iustice himselfe, *Sir Richard Capell*, prisoner, with diuers Lords of *Mounster* beeing then in his Company. In the yeare, 1288. *Richard Bourke*, Earle of *Visster*, (commonly called the Red Earle) pretending title to the Lordship of *Meth*, made warre vpon *Sir Theobald de Verdun*, and besiedged him in the Castle of *Athloue*. Againe, in the yeare, 1292.

Iohn

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Iohn Fitz-Thomas the *Geraldine*, hauing by contention with the *Lorde Vesce*, gotten a goodly inheritance in *Kildare*, grew to that heighth of imagination (saith the Story) as he fell into difference with diuers great Noblemen; and among many others, with *Richard* the Red Earle, whom he took prisoner, and detained him in *Castle Ley*; and by that dissention, the English on the one side, and the Irish on the other, did wast and destroy all the Countrey.

Annales Hibernie in Camden.

After, in the yeare, 1311. the same Red Earle (comming to besiege *Bonratty* in *Thomond*, which was then held by Sir *Richard de Clare* as his inheritance) was againe taken prisoner: & all his Army (consisting for the most part of English) ouerthrown and cut in pieces, by Sir *Richard de Clare*. And after this againe, in the yeare, 1327. most of the great Houses were banded one against another, (viz:) The

Annales Iohannis Clynne. Manuscript.

V

Giraldines,

Giraldines, Butlers, and Breminghams, on the one side, and the *Bourkes & Poers* on the other. The ground of the quarrell beeing none other, but that the Lord *Arnold Poer*, had called the Earle of *Kildare*, Rimer : But this quarrell was prosecuted with such malice and violence, as the Counties of *waterford* and *Kilkenny* were destroyed with fire and sword, till a Parliament was called of purpose, to quiet this dissention.

Shortly after, the Lord *John Bremingham*, who was not long before made Earle of *Louth*, for that notable service which he performed vpon the Scots, betweene *Dundalke* and the *Faber*, was so extreemly enuied by the *Gernons*, *I'erdons*, and others of the ancient Colony, planted in the County of *Louth*, as that in the year, 1329. they did most wickedly betray & murder that Earl, with diuers principall Gentlemen of his name and Family; vsing the same
speech

speech that the Rebellious Iewes are
saide to vse in the Gospell :

Nolumus hunc regnare super nos.

After this, the *Geraldines* and the *Butlers* being becom the most potent families in the Kingdome (for the great Lordshippe of *Leinster* was diuided among Coparceners, whose heires for the most part liued in England ; and the Earledom of *vlster*, with the lordship of *Metb*, by the match of *Lionell* Duke of *Clarence*, at last discended vpon the Crowne) had almost a continuall warre one with another. In the time of king *Henry* the sixt (saith *Baron Finglas* in his Discourse of the Decay of *Ireland*,) in a fight betweene the Earles of *Ormond* and *Desmond*, almost all the Townes-men of *Kilkenny* were flaine. And as they followed contrary parties during the Warres of *Yorke* and *Lancaster*, so after that ciuil dissention ended in England, these Houses in Ireland continued their opposition

*Baron Finglas,
Manuscript.*

and feud still, even till the time of K. Henry the eight; when by the Marriage of Margaret Fitz-Girald to the Earl of Ossory, the houses of Kildare and Ormond were reconciled, and haue continued in amity euer since.

Thus these great Estates & Royalties graunted to the English Lords in Ireland, begate Pride; and Pride, begat Contention among themselus, which broght forth diuers mischiefs, that did not only disable the English to finish the Conquest of all Ireland, but did endaunger the losse of what was already gained; And of Conquerors, made them slaues to that Nation which they did intend to Conquer. For, whensoever one English Lorde had vanquished another, the Irish waited and tooke the opportunity, & fell vpon that Country which had receiued the blow; and so daily recovered some part of the lands, which wer possessed by the English Colonies.

Besides,

Besides, the English Lords to strengthen their parties, did ally themselves with the Irish, and drew them in, to dwell among them, gaue their Children to be fostered by them; and hauing no other meanes to pay or reward the, suffered them to take Coigne and Liuey vppon the English Freeholders; which Oppression was so intollerable, as that the better sort were enforced to quit their freeholds and fly into England; & neuer returned, though many Lawes were made in both Realmes, to remaunde them backe againe: and the rest which remained, became degenerat and meer Irish, as is before declared. And the English Lords finding the Irish exactions to be more profitable then the English Rents and seruices; & louing the Irish tyranny, which was tyed to no Rules of Law or Honor, better then a iust and lawfull Seignory, did reiect and cast off the English Law and Go-

Sta. 10. H. 7. c. 4

*Rot. Parliam.
in castro Dublin*

Baron Finglas,
Manuscript.

Archiv. Turr. 5.
Ed. 3. claus. m. 4

uerment, receiued the Irish Lawes and Customes, tooke Irish Surnames, as *Mac william*, *Mac Pheris*, *Mac Yoris*, refused to come to the Parliamentes which were summoned by the King of Englands Authority, and scorned to obey those English Knights which were sent to commaund and gouerne this Kingdome; Namely, Sir Richard Capel, Sir Iohn Morris, Sir Iohn Darcie, and Sir Raphe vfford. And when Sir Anthony Lucie, a man of great Authoritie in the time of King Edward the thirde, was sent ouer to reforme the notorious abuses of this Kingdom, the King doubting that he shold not be obeyed, directed a speciall Writt or Mandate to the Earle of vlster, and the rest of the Nobility to assist him. And afterwards, the same King (vpon good aduise and Counsell) resumed those excessiue Grants of Lands and Liberties in Ireland, by a special ordinance made in England, which remaineth of

of Record in the Tower, in this form:

Quia plures excessiva donationes terrarum et libertatum in Hibernia ad subdolan machinationem petentium facta sunt, &c. Rex delusorias huiusmodi machinationes volens elidere, de consilio peritorum sibi assistantium omnes donationes Terrarum et libertatum predict. duxit revocandas quousque de meritis donatariorum et causis ac qualitatibus donationum melius fuerit informat et ideo mandatum est Iusticiario Hibernie qd. seisiiri faciat, &c

*Archiv. Tur. 15
Ed. 3. claus. m. 4*

Howbeit, ther followed vpon this resumptiō, such a diuision & faction between the English of birth, & the English of bloud and race, as they summoned & held seuerall Parliaments apart one from the other. Whereuppon, there had risen a general war betwixt them, to the vtter extinguishing of the English Name and Nation in Ireland, if the Earle of Desmond, who was head of the faction against the English of birth, had not beene sent into England, and detained there for a time: yet afterwarde, these liberties beeing restored by direction out of England, the 26. of Edw. 3. complaint was

Annales Hibernie in Camden.

was made to the King of the easie restitution; whereunto the King made answere, as is before expressed: so as we may conclude this point with that which we finde in the Annalles, published by Maister Camden: *Hibernici debellati & consumpti fuissent, nisi seditio Anglicorum impedivisset.* Wherunto I may adde this note, that though some are of opinion, that Grants of extraordinary Honours and Liberties made by a King to his subiects, do no more diminish his greatnesse, then when one Torch lighteth another; for it hath no lesse light, then it had before, *Quis vetat appposito lumen de lumine sumi?* Yet many times, inconueniences doe arise thereuppon: and those Princes haue held vp their Soueraignty best, which haue beene sparing in those Graunts. And truely, as these Graunts of little Kingdomes, and great Royalties, to a few priuate persons, did produce the mischiefes spoken of before: So the
true

true cause of the making of these Grants, did proceede from this; That the Kings of England beeing otherwise employed and diuerted, did not make the Conquest of *Ireland*, *their own worke*, and vndertake it not royally at their owne charge; but as it was first begun by perticular Aduenturers, so they left the prosecution thereof, to them, & other voluntaries, who came to seeke their fortunes in Ireland; wherein if they could preuayle, they thought that in reason & honor they could doe no lesse, then make them proprietors of such scopes of Land as they could conquer, people, & plant at their owne charge, reseruing only the Soueraigne Lordshippe to the Crowne of England. *But if the Lyon had gone to hunt himselfe, the shares of the Inferiour Beastes had not beene so great: If the inuasion had been made by an army transmitted, furnished, & supplied only at the kings charges, & wholly*

X paid

The first Aduenturers obtained these liberal grants, because the Kings of England did not prosecute the warre at their owne charge.

paid with the Kings Treasure, as the Armies of Queene ELIZABETH, and King *Iames* haue been; as the conquest had beene sooner atchiued, so the seruitors had beene contented with lesse proportions.

How the State
of Rome re-
warded their
men of warre.

*William the
Conqueror.*

For, when *Scipio*, *Pompey*, *Cæsar*, and other Generals of the Roman Armies, as *Subiectes* and *Seruants* of that State, and with the publicke Charge had conquered many Kingdomes & Commonweales, wee finde them rewarded with Honorable Offices and Triumphes at their returne; and not made Lords and proprietors of whol Prouinces and Kingdoms which they had subdued to the Empire of Rome. Likewise, when the Duke of *Normandy* had conquered England, which he made his owne work, and performed it in his owne person, hee distributed fundry Lordships and Mannors vnto his followers, but gaue not away whole Shires and Countreyes in demesne

measne to any of his seruitors, whom he most desired to aduance. Only, he made *Hugh Lupus* County Palatine of *Chester*, and gaue that Earledome to him and his heyres, to hold the same, *Ita liberè ad gladium, sicut Rex tenebat Angliam ad Coronam*. Whereby that Earledome indeed had a royal Iurisdiction and Seigniory, though the Landes of that Countie in demesne, were possessed for the most part by the auncient Inheritors.

Camden in Chester.

Again, from the time of the Norman Conquest, till the raigne of King Edward the first, many of our English Lords, made warre vpon the Welshmen at their owne charge; the lands which they gained they held to their owne vse, were called *Lords Marchers*, and had Royal Liberties within their Lordshippes. Howbeit, these particular Aduenturers, could neuer make a perfect Conquest of Wales.

Wales distributed to the L. Marchers.

But when King Edward the first,
X 2 came

came in person with his army thither, kept his residence and Court there; made the reducing of *wales*, an enterprize of his owne; hee finished that worke in a yeare or two, whereof the Lords *Marchers* had not performed a third part, with their continuall bordering warre, for two hundred years before. And withall we may obserue, that though this King had nowe the Dominion of Wales in *iure proprietatis*, as the Statute of *Rutland* affirmeth; which before was subiect vnto him, but in *iure feodali*: And though he had lost diuers principall Knights & Noblemen in that Warre, yet did he not reward his seruitors with whol Countries or Counties, but with particular Mannors and Lordships: as to *Henric Lacy* Earle of *Lincolne*, hee gaue the Lordship of *Denbigh*; and to *Reignold Gray*, the Lordship of *Ruthen*, and so to others. And if the like course had beene vsed in the winning and distributing

buting of the Landes of *Ireland*, that Island had beene fully conquered before the continent of *wales* had beene reduced. But the troth is, when Private men attempt the Conquest of Countries at their own charge, commonly their enterprizes doe perrish without successe: as when, in the time of *Queene Elizabeth*, Sir *Thomas Smith* vndertooke to recouer the *Ardes*: and *Chatterton*, to reconquer then *Fues* and *Orier*. The one lost his Sonne; and the other, Himselfe; and both their Adventures came to nothing. And as for the Crowne of England, it hath had the like fortune in the Conquest of this Land, as some purchasers haue; who desire to buy Land at too easie a Rate: they finde those cheap purchases so full of trouble, as they spende twice as much as the Land is woorth, before they get the quiet possession thereof.

And as the best pollicy was not

X;

obser-

obserued in the distribution of the
 conquered Lands; so as I conceyue,
 that the first Aduenturers intending
 to make a full Conquest of the Irish,
 were deceiued in the choyse of the
Fittest places for their plantation. For they
 sate downe, and erected their Castles
 and Habitations in the *Plaines & open*
Countries; wher they found most fruit-
 full and profitable Lands, and turned
 the Irish into the *Woods & Mountains*:
 Which, as they were proper places for
 Out-Lawes and Theeues, so were they
 their Naturall Castles and Fortifica-
 tions; thither they draue their preyes
 and stealths; there they lurkt, and lay
 in waite to doe mischief. These fast-
 places they kept vnknowne, by ma-
 king the wayes and Entries thereun-
 to impassable; there they kept their
 Creaghts or Heardes of Cattle, liuing
 by the Milke of the Cowe, without
 Husbandry or Tillage; there they en-
 creased and multiplied vnto infinite
 numbers,

numbers by promiscuous generation among themselves; there they made their Assemblies and Conspiracies without discovery: But they discovered the weaknes of the English dwelling in the open plaines; and thereupon made their sallies and retraites with great aduantage. Whereas, on the other side, if the English had builded their Castles and Towns in those places of fastnesse, and had driuen the Irish into the Plaines and open Countries, where they might haue had an eye and obseruation vpon the, the Irish had beene easily kept in Order, and in short time reclaimed from their wildnesse; there they would haue vsed Tillage, dwelt together in Towne-ships, learned Mechanicall Arts & Sciences. The woods had bin wasted with the English Habitations, as they are about the Forts of Mariborough and Phillipston, which were built in the fastest places in *Leinster*, and the
wayes

wayes and passages throughout Ireland, would haue beene as cleare and open, as they are in England at this day.

The English
Lords did not
reduce the
woodes and
waits in For-
rests & Parks.

Chart. de Forest.
c. 2. & 3.

A Gaine, if King *Henry* the second, who is said to be the K. that Conquered this Land, had made Forrests in Ireland, as he did enlarge the Forrests in England (for it appeareth by *Charta de Foresta*, that hee afforrested many woods and waits, to the Greeuance of the Subiect, which by that Lawe were disaforrested,) or if those English Lordes, amongst whom the whole Kingdome was deuided, had beene good Hunters, and had reduced the Mountaines, Bogges, and woods within the limits of Forrests, Chases, and Parkes; assuredly, the very Forrest Law, and the Law *de Malefactoribus in parcis*, would in time haue driuen them into the Plains & Countries inhabited and mannured, and haue

haue made them yeeld vppe their fast
places to those wilde Beastes which
were indeede lesse hurtfull and wilde,
then they. But it seemeth straunge to
mee, that in all the Recordes of this
Kingdome, I seldome find any menti-
on made of a Forrest; & neuer of anie
Parke or Free-warren; considering
the great plenty both of *Vert* and Ve-
nison within this Land; and that the
cheefe of the Nobility and Gentry are
discended of English race; and yet at
this day, there is but one Parke stored
with Deere in al this kingdom: which
is a Parke of the Earle of *Ormonds*, neer
Kilkenny. It is then manifest, by that
which is before expressed; that the not
communicating of the English lawes
to the Irish; the ouer-large Grants of
Lands and Liberties to the English;
the plantation made by the English
in the Plaines and open Countreyes,
leauing the Woods and Mountaines
to the Irish, were great Defects in the

The English Colonies rejected the English lawes and customes, and embraced the Irish.

Ciuiil pollicy, and hindered the perfection of the Conquest verie much. Howbeit, notwithstanding these Defects and Errours, the English Colonies stood and maintained themselues in a reasonable good estate, as long as they retained their owne auncient Lawes and Customes, according to that of *Ennius: Moribus antiquis res Stat. Romana virisq.* But when the ciuil Government grew so weake & so loose, as that the English Lords, would not suffer the English Lawes to be put in execution within their Territories & Seigniories, but in place therof, both they and their people, embraced the Irish Customes: Then the estate of things, like a Game at Irish, was so turned about, as the English, which hoped to make a perfect Conquest of the Irish, were by them perfectly and absolutely conquered; because *Victi victoribus leges dedere.* A iust punishment to our Nation, that wold not giue Lawes to the Irish

*Irish when they might : and therefore none
the Irish gaue Lawes to them. Therefore,
this Defect and failing of the English
Iustice, in the English Colonies ; and
the inducing of the Irish Customes in
lieu thereof, was the maine impedi-
ment that did arrest and stoppe the
course of the Conquest ; and was the
only meane that enabled the Irishrie
to recouer their strength againe.*

FOR, if wee consider the Nature of
the Irish Customes, wee shall finde
that the people which doth vse them,
must of necessitie bee Rebelles to all
good Gouvernment, destroy the com-
monwealth wherein they liue, and
bring Barbarisme and desolation vp-
on the richest and most fruitfull Land
of the world. For, whereas by the iust
and Honourable Law of England, &
by the Lawes of all other well-gouer-
ned Kingdomes and Commonweals,
Murder, Man-slaughter, Rape, Rob-
bery,

The nature of
the Irish Cu-
stomes.

The Irish laws
and Customs,
differing from
the Lawes &
Customs of al
ciuill Nations

The Irish Law
in Criminall
causes.

bery, and Theft, are punnished with death ; By the Irish Custome, or *Brebon* Law, the highest of these offences was punished onely by Fine, which they called an *Erick*. Therfore, when *Sir VWilliam Fitz-williams*, (being Lord Deputy) told *Maguyre* that hee was to send a Sheriffe into *Fermaunagh*, being lately before made a County ; your Sheriffe (*saide Maguyre*) shall be welcome to me, but let me knowe his *Erick*, or the price of his head afore hand ; that if my people cut it off, I may cut the *Erick* vpon the Countrey. As for Oppression, Extortion, & other trespasses, the weaker had neuer anie remedy against the stronger : whereby it came to passe, that no man coulde enioy his Life, his Wife, his Lands or Goodes in safety, if a mightier man then himselfe had an appetite to take the same from him. Wherein they were little better then *Canniballes*, who doe hunt one another ; and hee that hath

hath most strength and swiftnes. doth
eate and deuoure all his fellowes.

Againe, in England, and all well
ordered Common-weales, men haue
certaine estates in their Lands & pos-
sessions, and their inheritances dis-
cend from Father to Son, which doth
giue them encouragement to builde,
and to plant, and to improoue their
Landes, and to make them better for
their posterities. But by the Irish Cu-
stome of *Tanistry*, the Cheefetanes of
euery Countrey, and the chiefe of e-
uery Sept, had no longer estate then
for life in their Cheeferies, the inheri-
tance whereof, did rest in no man.
And these Cheeferies, though they
had some portions of Lande allotted
vnto them, did consist chiefly in cut-
tings and Cosheries, and other Irish
exactions, whereby they did spoyle
and impouerish the people at their
pleasure. And when their Chieftanes
were dead, their sonnes or next heires

The Irish Cu-
stome of *Tani-
stry*.

The Irish Custom
of Gauell-
kinde.

did not succcede them, but their *Tanistes*, who were Electiue, and purchased their elections by strong hande; And by the Irish Custom of Gauellkinde, the inferiour Tennanties were partible amongst all the Males of the Sept, both Bastards and Legittimate: and after partition made, if any one of the Sept had died, his portion was not diuided among his Sonnes, but the cheefe of the sept, made a new partition of all the Lands belonging to that Sept, and gaue euerie one his part according to his antiquity.

The mischiefs
that arise by
these two Customs.

THese two Irish Customs made all their possessions vncertain, being shuffled, and changed, and remoued so often from one to another, by new elections and partitions; which vncertainty of estates, hath bin the true cause of such Desolation & Barbarism in this land, as the like was neuer seen in any Countrey, that professed the
name

the name of Christ. For, though the Irishry be a Nation of great Antiquity, and wanted neither wit nor valour; and though they had receiued the Christian Faith, aboue 1200. yeares since; and were Louers of Musicke, Poetry, and all kinde of learning; and possessed a Land abounding with all thinges necessary for the Ciuill life of man; yet (which is strange to bee related) they did neuer builde any houses of Bricke or stone (some few poor Religious Houses excepted) before the raigne of King *Henric* the second, though they wer Lords of this Island for many hundred yeares before, and since the Conquest attempted by the English: Albeit, when they sawe vs builde Castles vppon their borders, they haue only in imitation of vs, erected some few piles for the Captaines of the Country: yet I dare boldly say, that neuer any perticuler person, eyther before or since, did builde anie stone

stone or bricke house for his priuate Habitation ; but such as haue latelie obtained estates , according to the course of the Law of *England*. Neither did any of them in all this time, plant any Gardens or Orchards, Inclose or improue their Lands, liue together in fetled Villages or Townes, nor made any prouision for posterity ; which being against all common sense and reason , must needes bee imputed to those vnreasonable Customes, which made their estates so vncertaine and transitory in their possessions.

For, who would plant or improoue, or build vppon that Land , which a stranger whom he knew not, should possesse after his death ? For that (as *Salomon* noteth) is one of the strangest Vanities vnder the Sunne. And this is the true reason why *Irlster*, and all the Irish Countries are found so wast and desolate at this day; and so wold they continue till the worlds end , if these

Customes were not abolished by the Law of England.

Againe, that Irish Custom of Gaue-kind, did breede another mischief; for thereby, euery man being borne to Land, aswell Bastard, as Legitimate, they al held theselues to be *Gentlemen*. And though their portions were neuer so small, and them-selues neuer so poor (*For Gauekind must needs in the end make a poore Gentility,*) yet did they scorne to discend to Husbandry or Marchandize, or to learn any Mechanicall Art or Science. And this is the true cause why there were neuer any Corporate Towns erected in the Irish Countries. As for the Maritime Citties and Townes, most certaine it is, that they were built and peopled by the *Ostmen* or *Easterlings*: for the natives of Ireland neuer perfourmed so good a worke, as to build a City. Besides, these poore Gentlemen were so affected vnto their small portions of

Z Land,

Land, as they rather chose to liue at home by Thett, Extortion, and Cofhering, then to seeke any better fortunes abroad: which encreased their *Septs* or *Syrnames* into such numbers, as there are not to bee found in anie Kingdome of *Europe*, so many Gentlemen of one Blood, Familie, and Syrname, as there are of the *O Neales* in *Ulster*; of the *Bourkes*, in *Conaght*; of the *Geraldines*, and *Butlers*, in *Munster* & *Leinster*. And the like may be saide of the Inferiour Bloodes and Families; whereby it came to passe in times of trouble & Dissention, that they made great parties and factions adhering one to another, with much constancie; because they were tyed together, *Vinculo sanguinis*; whereas Rebels and Malefactors which are tyed to their Leaders by no band, either of Dutie or Blood, do more easily breake and fall off one from another. And besides, their Coe-habitation in one Coun-

Countrey or Territory, gaue them opportunity suddenly to assemble, and Conspire, and rise in multitudes against the Crowne. And euen now, in the time of peace, we finde this inconuenience, that ther can hardly be an indifferent triall had betweene the King & the Subiect, or between partie and partie, by reason of this generall Kindred and Consanguinity.

BVt the most wicked and mischeeuous Custome of all others, was that of *Coigne* and *Liuary*, often before mentioned; which consisted in taking of *Manſmeate*, *Horsemeat*, & *Money*, of all the inhabitants of the Country, at the will and pleasure of the soldier, who as the phrase of Scripture is, *Did eate vp the people as it were Bread*; for that he had no other entertainment. This Extortion was originally Irish, for they vsed to lay *Bonaght* vpon their people, and neuer gaue their Soldier

The wicked
Customes of
Coigne and *Li-
uery*.

The mischiefs
that did arise
by Coigne &
Liuary.

any other pay. But when the English had Learned it, they vsed it with more insolency, and made it more intollerable; for this oppression was not temporary, or limited either to place or time; but because there was euery where a continuall warre, either Offensive, or Defensive; and euery Lord of a Countrey, and euery Marcher made warre and peace at his pleasure; it became Vniuersall and Perpetuall; and was indeede the most heavy oppression, that euer was vsed in any Christian or Heathen Kingdom. And therefore, *Vox Oppressorum*, this crying sinne, did drawe downe as great, or greater plagues vppon Ireland, then the oppression of the *Isralites*, did draw vpon the Land of *Egypt*. For the plagues of *Egypt*, though they were grievous, were but of a short continuance. But the plagues of *Ireland*, lasted 400. yeares together. This extortion of Coigne and Liuary, did produce

two

two notorious effects. First, it made the Land wast; Next, it made the people, ydle. For, when the Husbandman had laboured all the yeare, the soldier in one night, did consume the fruites of all his labour, *Longiq; perit labor irritus anni*. Had hee reason then to manure the Land for the next yeare? Or rather might he not complaine as the Shepherd in *Virgil*:

The cause of
Idlenesse in
the Irish.

*Impius hæc tam culta noualia miles habebit?
Barbarus has segetes? En quo discordia Ciues
Perduxit miseros? En queis cõsevimus agros?*

AND heereupon of necessity came depopulation, banishment, & extirpation of the better sort of subiects; and such as remained became ydle, and lookers on, expecting the euent of those miseries and euill times: So as this extreame Extortion and Oppression, hath beene the true cause of the Idlenesse of this Irish Nation; and that

Why the Irish
are Beggers
in forraigne .
Countreyes.

that rather the vulgar sort haue chosen to be Beggers in forraigne Countries, then to manure their own fruitfull Land at home.

Why the Irish
are reputed a
crafty people.

Lastly, this oppression did of force and necessity make the Irish a craftie people: for such as are oppressed and liue in flauery, are euer put to their shifts; *Ingenium mala saepe mouent*; And therefore, in the olde Comedies of *Plantus & Terence*, the Bondslaue doth alwayes act the cunning and Craftie part. Besides, all the Common people haue a whyning tune or Accent in their speech, as if they did still smart or suffer some oppression. And this Idlenesse, together with feare of imminent mischiefes, which did continually hang ouer their heads, haue bin the cause, that the Irish wer euer the most inquisitiue people after newes, of any Nation in the world. As *S. Paule* himselfe made obseruation vpon the people of *Athens*; that they were an ydle people,

Why the Irish
are inquisitiue
after Newes.

people, and did nothing but learne and tell Newes. And because these Newes-Carriers, did by their false intelligence, many times raise troubles and rebellions in this Realm, the Statute of *Kilkenny*, doth punish Newes-tellers (by the name of *Skelaghes*) with Fine and ranfome.

This Extortion of *Coigne* and *Livery*, was taken for the maintenaunce of their men of warre; but their Irish exactions extorted by the Chieftanes and *Tanists*, by colour of their barbarous Seigniory, were almost as grievous a burthen as the other; namely, *Cosherings*, which were visitations and progresses made by the Lord and his followers, among his Tenants: wherein he did eate them (as the English Prouerbe is) *Out of house and home*. *Sessings* of the *Kerne*, of his family, called *Kernety*, of his Horses & Hors-boyes; of his Dogges and Dog-boyes, and the like: And lastly, *Cuttings*, *Tallages*,
or

Cosherings.

Sessings.

Cuttings.

or *Spendings*, high or low, at his pleasure; all which, made the Lorde an absolute Tyrant, and the Tennant a verie slaue and villain; and in one respect more miserable then Bondslaues. *For commonly the Bondslaue is fed by his Lord, but heere the Lord was fedde by his Bondslaue.*

Lastly, there were two other Customs proper and peculiar to the Irishry, which being the cause of many strong combinations and factions do tend to the vtter ruine of a Commonwealth: The one, was *Fostering*; the other, *Gossipred*; both which haue euer bin of greater estimation among this people, then with any other Nation in the Christian world. For *Fostering*, I did neuer heare or read, that it was in that vse or reputation in anie other Countrey, Barbarous or Ciuill, as it hath beene, and yet is, in *Ireland*: where they put away al their children to Fosterers: the potent & rich men

Selling;

Selling; the meaner sort *Buying*, the alteration of their Children; and the reason is, because in the opinion of this people, *Fostering* hath alwayes beene a stronger alliance then *Bloud*; and the Foster-Children doe loue and are beloued of their foster-fathers and their Sept, more then of their owne naturall Parents and Kindred; and do participate of their meanes more frankly, and doe adhere vnto them in all fortunes, with more affection & constancy. And though *Tully* in his Book of Friendship doth obserue, that children of Princes being somtimes in cases of necessity for sauing of their liues deliuered to Shepheards to be nourished and bred vp, when they haue bin restored to their great fortunes, haue still retained their loue and affection to their Fosterers, whom for manie yeares they tooke to be their Parents: yet this was a rare case, and few examples are to be found thereof.

Aa

But

But such a generall Custome in a Kingdome, in giuing and taking children to Foster, making such a firme Alliance as it doth in *Ireland*, was neuer seene or heard of, in any other Countrey of the world besides.

Gossipred.

THE like may be said of *Gossipred* or *Compaternitie*, which though by the Canon Law, it be a spirituall affinity, and a iuror that was Gossip to either of the parties, might in former times haue bin challenged, as not indifferent by our Law, yet there was no nation vnder the Sun, that euer made so Religious accompt thereof, as the Irish.

Now these two Customs, which of themselves are indifferent in other Kingdomes, became exceeding euill and full of mischief in this Realm, by reason of the inconueniences which followed thereupon. For, they made (as I saide before) strong parties and factions,

factions, wherby the great men were enabled to oppresse their Inferiours, and to oppose their Equals: and their followers were borne out, and countenanced in all their lewde and wicked actions: For Fosterers & Gossips by the common Custome of Ireland, were to maintaine one another in all causes lawful, and vnlawfull; which as it is a Combination and Confederacy punishable in all well-gouerned Common-weales, so was it not one of the least causes of the common misery of this Kingdome.

I omit their common repudiation of their Wiues; their promiscuous generation of Children; their neglect of lawfull Matrimony; their vncleanness in Apparrell, Diet, & Lodging; and their contempt and scorne of all thinges necessary for the Ciuill life of man.

These were the Irish Customes, which the English Colonies did embrace

How the Eng-
lish Colonies
became dege-
nerate.

brace and vse, after they had reiected the Ciuill and Honorable Lawes and Customes of *England*, whereby they became degenerate and metamorphosed like *Nabuchadnezzar*: who although he had the face of a man, had the heart of a Beast; or like those who had drunke of *Circes* Cuppe, and were turned into very Beasts; and yet tooke such pleasure in their beastly manner of life, as they would not returne to their shape of men againe: Insomuch as within lesse time then the Age of a man, they had no markes or differences left amongst them of that Noble nation, from which they were descended. For, as they did not only forget the English Language, & scorne the vse thereof, but grew to bee ashamed of their very English Names, though they were Noble and of great Antiquity; and tooke Irish *Surnames* and *Nicke-names*. Namely, the two most potent families of the *Bourks* in

in *Conaght* (after the house of the Red Earle failed of Heyres-males) called their Cheefes, *Mac william Eighter*, and *Mac william Oughter*. In the same Province, *Bremingham*, Baron of *Athenrie*, called himselfe *Mac Yoris*. *Dexecester*, or *De'exon*, was cald *Mac Iordan*. *Mangle* or *de Angulo*, took the name of *Mac Costelo*. Of the Inferior families of the *Bourkes*, one was called *Mac Hubbard*, another *Mac David*. In *Munster*, of the great Families of the *Geraldines* planted there; One was called *Mac Morice* chiefe of the house of *Lixnam*; and another, *Mac Gibbon*, who was also called the *white Knight*. The chiefe of the Baron of *Dunboynes* house, who is a branch of the house of *Ormond*, tooke the Surnames of *Mac Pheris*. *Condon* of the Countie of *waterford*, was called *Mac Maioge*: and the Arch-Deacon of the County of *Kilkenny*, *Mac Odo*. And this they did in contempt and hatred of the English Name and Nation;

of these degenerate families became more mortal enemies, then the meere Irish. And whereas the state and Government beeing growne weake by their defection, did to reduce them to Obedience, grant them many protections and Pardons (*The cheapnesse whereof, in all ages, hath brought great dishonor and damage to this Commonweal*) they grew so vngratefull and vnnatural, as in the end they scorned that grace & fauour, because the acceptance thereof, did argue them to be subiects, and they desired rather to bee accounted Enemies, then Rebels to the Crowne of England.

*Alb. libr. Scacc.
Dublin.*

Heereupon was that olde Verse made, which I finde Written in the White Booke of the Exchequer, in a hand as auncient as the time of King Edward the third.

*By graunting Charters of peas,
To false English withouten les,
This Land shall be mich vndoo.*

But

*But Gossipred, and alterage,
And leeing of our Language,
Haue mickely help theretoo.*

And therefore, in a close Roll in the Tower, bearing this Title; *Articuli in Hibernia obseruandi*: we finde these two Articles among others. 1. *Iusticiarius Hibernia non concedat perdonationes de morte hominis, nec de Roberijs, seu incendijs, & quod de cetero certificet dominum regem de nominibus petentium.* 2. *Item, Quod nec Iusticiarius nec aliquis Magnas Hibernia concedat protectiones alicui contra pacem Regis existent. &c.* But now it is fit to looke backe and consider when the old English Colonies became so degenerate; and in what Age they fell away into that Irish barbarisme, reiecting the English lawes and Customes. Assuredly, by comparing the ancient Annalles of *Ireland* with the Records remaining heere, & in the Tower of *London*, I do find that this generall defection, fell out in the latter end of the raign of king *Edward* the second, and in the beginning of the

5.Ed. 3.m. 25.

When & how
the English
Colonies be-
came degene-
rate.

the raigne of King *Edward* the thirde. And all this great innovation, grewe within the space of thirty years: within the compasse of which time, there fell out diuers mischieuous accidents, whereby the whole kingdome was in a maner lost. For first, *Edward de Bruce* inuaded *Ireland* with the Scottish Army, and preuailed so farre, as that he possessed the Maritime parts of *vlster*, marched vp to the walles of *Dublin*, spoiled the English Pale, passed thorough *Leinster* and *Munster*, as farre as *Limericke*, and was Maister of the field in euery part of the kingdom.

The Scots ouerrun *Iceland*

This hapned in the tenth yeare of King *Edward* the second, at what time the Crowne of *England* was weaker, & suffred more dishonor in both kingdomes, then it did at any time since the *Norman* Conquest. Then did the State of *England* send ouer *Iohn de Hotbam* to be Treasurer heere, with commission to call the great Lords of *Ireland*

Annales Hibernie in Camden.

land together; and to take of them an Oath of Assocation, that they should loyally ioyne together in life & death to preferue the right of the King of *England*, and to expell the common enemy. But this Treasurer brought neither men, nor money, to performe this seruice.

At that time, though *Richard Bourk* Earle of *Ulster* (commonly called the Redde-Earle) were of greater power then any other subiect in *Ireland*, yet was he so farre stricken in yeares, as that hee was vnable to mannage the martiall affaires, as he had done during all the raigne of King *Edward* the first: hauing bin Generall of the Irish forces, not only in this kingdom, but in the Wars of *Scotland*, *wales*, and *Gascogne*. And therefore, *Maurice Fitz-Thomas* of *Desmond*, beeing then the most actiue Nobleman in this realm, tooke vpon him the chiefe command in this Warre: for the support where-

Desmond
cheefe Com-
mander in the
warre against
the Scots.

Bb

of,

of, the Reuennue of this Lande, was farre too short, and yet no supply of Treasure was sent out of England.

When & how
the extortion
of Coign and
Liuerie began
among the
English.

Then was there no mean to maintain the Army, but by Selling the soldiers vppon the Subiect, as the Irish were wont to impose their *Bonaught*. Whereupon, grewe that wicked Extortion of *Coigne* and *Liuerie* spoken of before, which in short time banished the greatest part of the Free-holders out of the County of *Kerrie*, *Limerick*, *Corke*, and *waterford*; Into whose possessions, *Desmond* and his Kinsmen, Alies, and Followers, which were then more Irish then English, did enter and appropriate these Lands vnto themselves, *Desmond* himselfe taking what scopes hee best liked for his demesnes in euery Countrey, and reseruing an Irish Seigniory out of the rest. And heere, that I may verifie & maintaine by matter of Record, that which is before deliuered touching the Nature

ture of this wicked Extortion, called Coigne and Liuary; and the manifold mischiefes it did produce, I thinke it fit and pertinent to insert the preamb-
ble of the Statute of the 10. of Henry 7.
c. 4. not printed, but recorded in Par-
liament Rols of Dublin, in these words:

At the request & supplication of the Commons of this Land of Ireland, that where of long time there hath bin used and exacted by the Lords and Gentlemen of this Land, many and diuers damnable customs & vsages, which bin called Coigne, and Liuary, and Pay; that is, Horfemeat, and Mansmeat, for the finding of their Horfemen and Footmen; and ouer that, 4.d. or 6.d. daily to euery of them to be had and paide of the poore Earth-Tillers, and Tenants, inhabitants of the saide Land, without anything doing or paying therefore. Besides, manie Murders, Robberies, Rapes, & other manifold extortions & oppressions by the saide Horfemen and Footmen, dayly and mightily committed & done; which bin the principall causes of the desolation & destruction of the said Land, & hath brought the same into Ruine and Decay, so as the most part of the English Free-holders and Tenants of this land bin departed out thereof, some into the Realme of England, and other some to other strange Landes; whereupon the foresaide Lordes and Gentlemen of

this Land, haue intruded into the saide Free-holders and Tenants inheritances; and the same keepeth and occupieth as their owne inheritances; and setten vnder them in the same Land the Kings Irish Enemies, to the diminishing of Holie Churches Rites, the disherison of the King, & his obedient subiects, and the vtter ruine and desolation of the Land. For reformation whereof, be it enacted, That the King shall receiue a Subsidie of 26.s. 8.d. out of euerie 120. acres of arrable land manured, &c. But to return to Tho: Fitz-Maurice of Desmond; By this extortion of Coigne and Liuary, he suddenly grewe from a meane, to a mighty estate; insomuch as the Baron Finglas in his discourse of the Decay of Ireland, affirmeth; that his ancient inheritance beeing not one thousand markes yearely, he became able to dispend euery way, ten thousand pounds, *per annum*.

These possessions being thus vnlawfully gotten, could not bee maintained by the iust and honorable law of England, which would haue restored the true Owners to their Land againe. And therefore, this Great man
found

found no meanes to continue & uphold his ill-purchased greatnesse, but by reiecting the English Law & Government, and assuming in lieu thereof, the barbarous customs of the Irish. And heereupon, followed the defection of those foure shires, containing the greatest part of *Munster*, from the obedience of the Law.

In like manner (saith Baron *Fin-glas*) the Lord of *Tipperary*) perceiuing how well the house of *Desmond* hadde thrived by *Coigne* and *Liuerie*, and other Irish exactions) began to holde the like course in the Counties of *Tipperary* and *Kilkenny*; whereby he got great scopes of Land, specially in *Ormond*; and raised many Irish exactions vpon the English Free-holders there; which made him so potent & absolut among the, as at that time they knew no other Lawe, then the will of their Lord. Besides, finding, that the Earle of *Desmond* excluded the ordinary Mi-

nisters of Iustice, vnder colour of a Royall Liberty, which he claimed in the Counties of *Kerry*, *Corke*, and *waterford*, by a graunt of King *Edward* the first (as appeareth in a *Quo warranto*, brought against him, *Anno 1. Edw. 1.*) the Record wherof, remaineth in *Breminghams Tower*, among the common Plea-Rolles there.

This Lord also, in the third of *Edward* the thirde, obtained a Graunt of the like Liberty in the County of *Tipperary*; whereby he got the Lawe into his owne hands, & shut out the Common Law and Iustice of the Realme.

And thus we see, that all *Munster* fell away from the English Lawe and Gouvernment, in the end of King *Edward 2.* his raigne; and in the beginning of the raigne of King *Edward* the third. Againe, about the same time, (*viz:*) in the 20. yeare of King *Edward* the second, when the State of *England* was well-ny ruined by the Rebellion
of

of the Barons, and the Gouvernement of Ireland vtterly neglected, there arose in *Leinster*, one of the *Cavanagh*s, named *Donald Mac Art*, who named himselfe *Mac Murrough*, King of *Leinster*, and possessed himselfe of the Countie of *Catherlogh*, and of the greatest part of the County of *wexford*. And shortly after, *Lisagh O Moore*, called himselfe *O Moore*, tooke 8. Castles in one Evening, destroyed *Dunamase* the principall house of the *L. Mortimer* in *Leix*, recouered that whole Countrey, *De seruo Dominus, de subiecto princeps effectus*, saith *Friar Clynne* in his *Annalles*.

Besides, the Earle of *Kildare*, imitating his Cofin of *Desmond*, did not omit to make the like vse of *Coigne & Liuary* in *Kildare*, and the West part of *Meib*, which brought the like Barbarisme into those parts. And thus a great part of *Leinster* was lost, and fell away from the Obedience of the Crowne, neere about the time before expressed.

Againe,

The rising of
Mac Murrough,
and *O Moore*
in *Leinster*.
Annales Hiber-
nia in Camden.

Annales Iohan.
Clynne. Manus.

The defect
and losse of a
great part of
Leinster.

The Earle of
Ulster murde-
red.

*Annales Iohan.
Clynne's Manus.*

The Earldom
of Ulster re-
covered by
the Irish.

Againe, in the seauenth yeare of King Edward the third, the Lord *William Bourke*, Earle of *Ulster*, and Lorde of *Conaght*, was treacherously murdered by his owne Squires at *Knockefergus*, leauing behinde him, *Vnicam & vnus anni filiam* (saith Friar Clynne.) Immediately vpon the murder committed, the Countesse with her yong daughter, fledde into England; so as the Gouernment of that Countrey, was wholly neglected, vntil, that young Ladie beeing married to *Lionell Duke of Clarence*, that Prince cam ouer with an Army, to recouer his wiues inheritance, and to reforme this Kingdom, Anno 36. of Edward the third. But in the meane time, what became of that great inheritance both in *Ulster* & *Conaght*? Assuredly, in *Ulster*, the Sept of *Hugh Boy O Neal*, then possessing *Glau-coukeyn* and *Killeightra* in *Tyrone*, tooke the opportunity; and passing ouer the *Banne*, did first expell the English out of

of the Barony of *Tuscard*, which is now called the *Rout*; and likewise, out of the *Glynn*es and other Lands vp as farre as *Knockfergus*, which Countrey or extent of Lande, is at this day called, the lower *Clan Hugh-Boy*. And shortly after that, they came vp into the great *Ardes*, which the Latine writers call, *Altiudines Ultonie*, and was then the inheritaunce of the *Sauages*; by whom, they were valiantly resisted for diuers yeares: but at last, for want of Castles and fortifications (for the saying of *Henrie Sauage* mentioned in euery Story, is very memorable; That a Castle of *Bones*, was better then a Castle of *Stones*) the English were ouer-run by the multitude of the Irishry: So as about the thirtith of K. *Edm.* 3. some few yeares before the arriuall of the Duke of *Clarence*, the *Sauages* were vtterly driuen out of the Great *Ardes*, into a little nooke of land neer the Riuer of *Strangford*; where they

Cc

now

Abridgement
of *Salus populi*.
Manuscript.

Baron Finglas,
Manuscript.

Annales Hiber-
nie in Camden.

now possesse a little Territory, called the little *Ards*; and their greater patrimony tooke the name of the vpper *Clan Hugh-Boy*, from the Sept of *Hugh-Boy O. Neale*, who became Inuaders thereof.

The defectiō
of Conaght.

Baron Finzlas,
Manuscript.

FOR Conaght, some yonger branches of the Family of the *Bourkes*, being planted there by the Red-Earle & his Ancestors, seeing their Chiefe to bee cut off, and dead without Heire-male, and no man left to gouern or protect that Prouince, intruded presently into all the Earles Lands, which ought to haue bin seized into the kings handes, by reason of the minoritie of the heire. And within a short space, two of the most potent among them, diuided that great Seigniory betwixt the: the one taking the name of *Macwilliam Oughter*; and the other of *Macwilliam Fighter*; as if the Lord *william Bourk* the last Earle of *Ulster*, had leste two
sonnes.

sonnes of one name behinde him to inherit that Lordship in course of Gavelkinde. But they well knewe, that they were but Intruders vpon the Kings possession during the minority of the heire; they knew those lands were the rightfull inheritance of that young Lady; and consequently, that the Law of England woulde speedily euict them out of their possession; & therefore, they held it the best policy to cast off the yoake of English Law, and to become meere Irish: and according to their example, drew al the rest of the English in that Prouince, to do the like; so as from thenceforth they suffered their possessions to run in course of *Tanistry* and *Gavelkinde*. They changed their names, language, and apparrell, and all their ciuil manners and Customes of liuing. Lastly, about the 25. yeare of King Edward the third, Sir *Richard de Clare* was flaine in *Thomond*, and al the English Colonies

Annales Hibernie in Camden.

there, vtterly supplanted.

Thus in that space of time, which was betweene the tenth yeare of king *Edward* the second, and the 30. yeare of King *Edward* the third (I speak within compasse) by the concurrence of the mischieses before recited, all the old English Colonies in *Munster*, *Conaght*, and *Ulster*; & more then a third part of *Leinster*, became degenerat, & fell away from the Crowne of England; so as onely the foure Shyres of the English Pale, remained vnder the Obedience of the Lawe; and yet the Borders and Marches thereof, were growne vnruely, and out of order too, being subiect to *Blacke-Rents* and *Tribute* of the Irish; which was a greater defection, then when tenne or twelue Tribes departed, and fell away from the Kings of *Iuda*.

What courses
haue bin takē
to reforme
this kingdom,
since the Eng-
lish Colonies
became de-
generate.

But was not the State of England sensible of this losse and dishonour? Did they not endeuor to recouer the
Land

Land that was lost, and to reduce the subjects to their Obedience?

Truely King *Edward* the second, by the incursions of the Scottish Nation, and by the insurrection of his Barons, who raised his wife and his Sonne against him, and in the end deposed him, was diuerted and vtterly disabled to reforme the disorders of Ireland. But assoone as the crown of *England* was transferred to K. *Edw.* 3. though hee were yet in his minority, the State there beganne to looke into the desperate estate of thinges heere. And finding such a general defection, Letters were sent from the King, to the great men and Prelates, requiring them particularly to swear fealty to the Crowne of England.

Shortly after, Sir *Anthony Lucie*, a person of great authority in England in those daies, was sent ouer to work a reformation in this Kingdome, by a seuerer course; and to that ende, the

Edward 2

K. Edward the third, did first endeuor a reformation.

*Archib. Turr. 2.
E. 3. claus. pers.
1. m. 16.*

Sir Anthony
Lucie.

Annales Hibernie in Camden.

King wrote expressely to the Earle of *Ulster*, and others of the Nobilitie to assist him, as is before remembered; presently vpon his arriual, he arrested *Maurice Fitz-Thomas* Earle of *Desmond*; and *Sir William Bretingham*, and committed them prisoners to the Castle of *Dublin*: where *Sir William Bretingham* was executed for treason, though the Earle of *Desmond* were left to Ma- inprize, vpon condition, hee should appeare before the King by a certain day, and in the meane time to continue loyall.

Resumption of Liberties.

AFter this, the King being aduertised, that the ouer-large Graunts of Lands and Liberties, made to the Lords of English Bloude in Ireland, made them so insolent, as they scorned to obey the Law, and the Magistrate, did absolutely resume all such Crants, as is before declared. But the Earle of *Desmond* aboue al men, found himselfe

himselfe griued with this resumption, or Repeale of Liberties; and declared his dislike & discontentment: infomuch, as he did not only refuse to come to a Parliament at *Dublin*, summoned by Sir *William Morris*, Deputie to the L. *Iohn Darcy* the kings Lieutenant: But (as we haue said before) he raised such dissention betweene the English of bloud, and the English of birth, as the like was neuer seen, from the time of the first planting of our Nation in *Ireland*. And in this factious and seditious humour, hee drewe the Earle of *Kildare*, and the rest of the nobility, with the Cittizens and Burgeses of the principall Townes, to hold a feuerall Parliament by themselves, at *Kilkenny*; where they framed certaine Articles against the Deputy, & transmitted the same into England to the King.

Heereupon, Sir *Ralph Vfford*, who had lately before married the Countesse

Annales Hiberniae in Camden.

Sir *Ralph Vfford*.
Annales Iohan. Clynne. Manus.

*Annales Hiber-
nicæ in Camden.*

tesse of *Ulster*; a man of courage and severity, was made Lord Iustice: who forthwith calling a Parliament, sent a speciall commandement to the Earle of *Desmond*, to appeare in that great Councel; but the Earle wilfully refused to come. Whereupon, the Lord Iustice raised the Kings Standard, and marching with an Army into *Munster*, seized into the Kings handes, all the possessions of the Earle, took, and executed his principall followers, Sir *Eustace le Poer*, Sir *William Graunt*, & Sir *John Cotterell*; enforced the Earle himselfe to flye and lurke, till 26. Noble-men and Knights, became Mainper-nors for his appearance at a certaine day prefixed: But he making default the second time, the vttermoſt aduan-tage was taken against his sureties. Besides, at the same time, this Lord Iustice caused the Earle of *Kildare* to bee arrested and committed to the Castle of *Dublin*, indited & imprisoned many

nie other disobedient subiects, called in, and cancelled such Charters as were lately before resumed ; and proceeded euery way so roundly and seuerely, as the Nobility which were wont to suffer no controulment, did much distast him ; and the Commons who in this Land haue euer bin more deuoted to their immediate Lords heer whom they saw euery day, then vnto their Soueraigne Lord & King, whom they neuer sawe ; spake ill of this Governour, as of a rigorous & cruel man, though in troth hee were a singular good Iusticer ; and, if he had not dyed in the second yeare of his gouernment, was the likeliest person of that Age, to haue reformed and reduced the degenerate English Colonies, to their natural obedience of the crown of England.

THus much then wee may obserue by the way, that *Maurice Fitz-Tho-*
D d mas,

Maurice Fitz-Thomas the first Earle of *Desmond*, the author of the great oppressions and dissensions which destroyed the English Colonies.

mas, the first Earle of *Desmond*, was the first English Lord that imposed *Coign* and *Liuey* vpon the Kings subiectes; and the first that raised his estate to immoderate greatnesse, by that wicked Extortion and Oppression; that he was the first that reiected the English Lawes and Gouvernement, and drew others by his example to do the like; that he was the first Peere of *Ireland* that refused to come to the Parliament summoned by the Kings Authority; that he was the first that made a diuision and distinction betweene the English of bloud, and the English of birth.

The fortune of the house of *Desmond*.

AND as this Earle was the onelie Authour, and first Actour, of these mischiefes, which gaue the greatest impediment to the full Conquest of *Ireland*; So it is to bee noted, that albeit others of his ranke afterwarde offended in the same kinde; whereby

whereby their Houses were many times in danger of ruin, yet was there not euer any Noble house of English race in Ireland, vtterly destroyed and finally rooted out by the hand of Iustice, but the house of *Desmond* onely; nor any Peere of this Realme euer put to death (though diuers haue bin attainted) but *Tho: Fitz-James* the Earle of *Desmond* only, and onely for those wicked Customes brought in by the first Earle, and practised by his posterity, though by seuerall Lawes they were made High-Treason. And therefore, though in the 7. of *Edward* the 4. during the Gouvernment of the Lord *Tiptoft*, Earle of *worcester*, both the Earles of *Desmond* and *Kildare* were attainted by Parliament at *Drogheda*, for alliance and fostering with the Irish; and for taking *Coign* and *Liuary* of the Kings subiects, yet was *Desmond* only put to death; for the Earle of *Kildare* receiued his pardon. And albeit the

The Counsell-
Booke of Ire-
land. 32. H. 8.

sonne of this Earl of *Desmond*, who lost his head at *Drogheda*, were restored to the Earldom; yet could not the kings grace regenerate obedience in that degenerate house, but it grew rather more wilde and barbarous, then before. For from thencefoorth they reclaimed a strange priuiledge: That the Earles of *Desmond* should neuer come to any Parliament or Graund-Counsell, or vvithin any walled towne, but at their will and pleasure. Which pretended Priuiledge, *James* Earle of *Desmond*, the Father of *Girald* the last Earle, renounced and surrentred by his Deed, in the Chancery of Ireland, in the 32. of *Henry* the eight. At what time, among the meer Irishry, hee submitted himselfe to *Sir Anthony Saint-Leger*, then Lord Deputy; tooke an Oath of Allegiance; Couenanted that he would suffer the law of England to bee executed in his Countrey; and assist the Kinges Iudges in their Circuits: and if any Subsidies.

dies should be granted by Parliament, he would permit the same to be leui-
ed vppon his Tenants and followers.
Which Couenants, are as straunge as
the priuiledge it selfe, spoken of be-
fore. But that which I conceiue most
worthy of Obseruation, vpon the for-
tunes of the house of *Desmond*, is this;
that as *Maurice Fitz-Thomas*, the first
Earl, did first raise the greatnes of that
house, by Irish exactions and oppres-
sions; so *Girald* the last Earle, did at last
ruine and reduce it to nothing, by v-
sing the like extortions. For certain it
is, that the first occasion of his rebel-
lion, grew from hence; that when he
attempted to charge the *Decies* in the
County of *waterford*, with *Coigne* and
Liuerie, Blacke Rents and Colheries,
after the Irish maner, hee was resisted
by the Earle of *Ormond*, and vppon an
encounter, ouerthrowne and taken
prisoner; which made his heart so vn-
quiet, as it easily conceiued treason a-
gainst

gainst the Crowne, and broght forth
 actuall and open Rebellion, wherein
 he perished himselfe, and made a final
 extinguishment of his house and ho-
 nour. Oppression and extortion did
 maintain the greatnesse: and oppres-
 sion and extortion, did extinguish the
 greatnesse of that house. Which may
 well be exprest, by the old Embleme
 of a Torch turned downewards, with
 this word; *Quod me alit, extinguit.*

NOW let vs returne to the course of
 reformation, helde and pursued
 heere, after the death of Sir Raphe Vff-
 ford, which hapned in the twentieth
 yeare of K. Edward 3. After which time,
 albeit all the power and Counsell of
 England was conuerted towards the
 Conquest of *Fraunce*, yet was not the
 worke of reformation altogether dis-
 continued. For, in the 25. yeare of K.
 Edward the third, Sir Thomas Rookeby,
 another worthy Gouvernor (whome I
 haue

haue once before named) held a Parliament at *Kilkenny*, wherein many excellent Lawes were propounded and enacted for the reducing of the English Colonies to their Obedience; which Lawes we find enrolled in the Remembrauncers Office heere; and differ not much in substaunce, from those other statutes of *Kilkenny*, which not long after (during the Gouvernement of *Lionell Duke of Clarence*) were not only enacted, but put in execution. This Noble Prince hauing married the Daughter and Heire of *Ulster*; and beeing likewise a Coparcener of the County of *Kilkenny*, in the 36. year of King *Edward* the thirde, came ouer the Kings Lieutenant, attended with a good retinue of martiall men, as is before remembred, and a Graue and Honorable Counsell, aswel for peace, as for warre. But because this Armie was not of a Competent strength to breake and subdue all the Irishry, although

The course of
Reformation
pursued by
*Lionel Duke of
Clarence.*

though he quieted the borders of the English Pale, and helde all Ireland in awe with his name and presence. The principall seruice that hee intended, was to reforme the degenerate English Colonies^s, and to reduce them to obedience of the English Lawe, and Magistrate. To that end, in the fortieth yeare of King *Edward* the third, he held that famous Parliament at *Kilkenny*; wherein many notable lawes were enacted, which doo shew and lay open (*For the Law doth best discover enormities*) how much the English Colonies were corrupted at that time, and doe infallibly prooue that which is laide down before; That they were wholly degenerate, and faine away from their obedience. For first, it appeareth by the Preamble of these Lawes, that the English of this Realme, before the comming ouer of *Lionel* Duke of *Clarence*, were at that time becom meere Irish in their Language, Names, Apparell,

parrell, and all their maner of liuing, and had reiected the English Lawes, and submitted themselus to the Irish, with whom they had many Mariages and Alliances, which tended to the vtter ruine & destruction of the commonwealth. Therefore alliaunce by Marriage, *Nurture of Infants*, and *Gospired with the Irisb*, are by this Statute made High-treason. Againe, if anie man of English race, should vse an Irish Name, Irish Language, or Irish Apparrell, or any other guise or fashion of the Irish; if he had Lands or Tenements, the same should be seized, til he had giuen security to the Chancery, to conform himself in al points to the English maner of liuing. And if he had no Lands, his bodie was to be taken and imprisoned, til he found Sureties, as aforesaide.

Againe, it was established and commanded, that the English in all their Controuerfies, should bee ruled and

*Archiv. in Ca-
stro Dublin.
Statutes of
Kilkenny.*

C. 2.

C. 3.

C. 4.

E e

go-

gouerned by the common Lawe of England: and if any did submit himselfe to the *Brehon* Law, or *March* law, he should be adiudged a Traitor.

C. 10.

Againe, because the English at that time, made warre and peace with the bordering enemy at their pleasure; they were expressly prohibited to leaue warre vpon the Irish, without speciall warrant and direction from the State.

C. 12.

Againe, it was made pænall to the English, to permit the Irish to Creaght or graze vpon their Landes:

C. 13.

to present them to Ecclesiasticall Benefices; to receiue them into any

C. 15.

Monasteries, or Religious Houses, or to entertaine any of their Minstrels, Rimers, or Newes-tellers: to impose

C. 17.

or sesse any Horse or Foot vppon the English Subiects against their willes, was made felony. And because the

C. 22.

great Liberties or Franchises spoken of before, were become Sanctuaries
for

for all Malefactours, expresse power was giuen to the Kinges Sheriffes, to enter into all franchises, and there to apprehend all Fellons and Traitours. And lastly, because the great Lordes, when they leuied forces for the public seruice, did lay vnequall burdens vpon the Gentlemen and Free-holders, it was ordained, that foure Wardens of the peace in euery Countie, should set downe and appoint what men and Armour euery man should beare, according to his Free-hold, or other ability of estate.

C. 24.

THEse, and other Lawes, tending to a generall reformation, were enacted in that Parliament. And the Execution of these Lawes, together with the *Presence of the Kings Son*, made a notable alteration in the State and Manners of this people, within the space of seauen yeares, which was the tearme of this Princes Lieutenancy.

The Statutes of Kilkenny, did much reforme the degenerate English.

Sta. 10. H. 7. & 8

For, all the *Discourses* that I haue
 seene of the Decay of Ireland, doe a-
 gree in this; that the presence of the
 Lord *Lionel*, and these Statutes of *Kil-*
kenny, did restore the English govern-
 ment, in the degenerate Colonies, for
 diuers yeares. And the Statute of the
 tenth of *Henry* the seuenth, which re-
 uiueth and confirmeth the Statutes of
Kilkenny, doth confirme as much. For
 it declareth, that *as long as these Lawes*
were put in vre and execution, this Lande
continued in prosperity and honor: and since
they were not executed, the Subiectes rebel-
led and digressed from their allegiance, and
the Land fell to ruine and desolation. And
 withall, wee finde the effect of these
 Lawes in the Pipe-Rolles, and Plea-
 Rolles of this Kingdome: For, from
 the 36. of *Edward* 3. when this Prince
 entred into his Gouvernement, till the
 beginning of *Richard* the second his
 Raigne, we find the Reuennue of the
 Crowne both certaine and casuall in
Vister,

Ulster, Munster, and Conaght, accounted for; and that the Kings Writ did run, and the Common-Law was executed in euery of these Prouinces. I ioyne with these Lawes, the personall presence of the Kinges Son, as a concurrent cause of this Reformation: Because the people of this Land both English & Irish, out of a naturall pride, did euer loue & desire to be gouerned by great persons. And therefore, I may heere iustly take occasion to note, that first the absence of the Kings of England; and nexte, the absence of those great Lords, who were inheritors of those mighty Seigniories of *Leinster, Ulster, Conaght, and Meth*, haue bin maine causes why this kingdome was not reduced in so many ages.

The presence of the Kinges son, did much aduance the reformation.

Absence of our Kings and great English Lords, a chief cause why the Kingdom was not reduced.

T Ouching the absence of our Kinges, three of them onely since the Norman Conquest, haue made royall iournies into this Land; namely, K.

Absence of our Kings.

Henrie the second, King *Iohn*, and king *Richard* the second . And yet they no sooner arriued heere, but that all the Irishry, (as if they had bin but one man) submitted them-selues ; tooke Oaths of fidelity, and gaue pledges & hostages to continue loyall . And, if any of those Kings hadde continued heere in person a competent time, till they had setled both English & Irish in their seuerall possessions, and had set the Law in a due course throughout the Kingdom; these times wherein we liue, had not gained the honor of the finall Conquest and reducing of *Ireland*. For the King (saith *Salomon*) *dissipat omne malum intuitu suo*. But when *Moses* was absent in the Mount, the people committed Idolatry: & when there was no king in *Israel*, euery man did what seemed best in his own eies.

And therfore, when *Alexander* had conquered the East part of the world, and demaunded of one what was the fit-

fitest place for the seat of his Empire, he brought and laid a dry hide before him, and desired him to set his foote on the one side thereof; which being done, all the other parts of the Hide did rise vp : but when he did set his foot in the middle of the Hide, all the other parts lay flat and euen : Which was a liuely demonstration, that if a Prince keep his residence in the Border of his Dominions, the remoate parts will easily rise and rebell against him : but if he make the Center thereof, his seat, he shall easily keepe them in peace and obedience.

TOuching the absence of the great Lords: All Writers doe impute the decay and losse of *Leinster*, to the absence of these English Lords, who married the five Daughters of *william Marshall* Earle of *Pembroke* (to whom that great Seigniory discended) when his five sonnes, who inherited the same suc-

The absence
of the great
English Lords.

Baron Finglas,
Manuscript.

successiuelly ; and during their times,
 held the same in peace & obedience
 to the Law of *England*, were all dead
 without Issue : which hapned about
 the fortieth yeare of King *Henrie* the
 third : for the eldest beeing married
 to *Hugh Bigot* Earle of *Norfolke*, who in
 right of his wife, had the Marhalship
 of *England*; The second, to *VVarren de*
Mountchensy, whose sole daughter and
 heire, was matcht to *william de Valentia*
 halfe Brother to K. *Henrie* 3. who by
 that match, was made Earle of *Pem-*
broke; The third, to *Gilbert de Clare*, earl
 of *Glocester*; The fourth, to *william Fer-*
rers, Earle of *Darby*; The fift, to *william*
de Bruce, Lord of *Brecknocke* : These
 great Lordes, hauing greater inheri-
 tances in their owne right in *England*,
 then they hadde in *Ireland* in right of
 their Wiues (and yet each of the Co-
 parceners, had an entire Countie al-
 lotted for her purparty, as is before
 declared) could not bee drawne to
 make

make their personal residence in this Kingdom; but managed their estates heere, by their *Seneschals and Seruants*. And to defend their territories against the bordering Irish, they entertained some of the Natiues, who pretended a perpetuall Title to those great lordships. For the Irish after a thousande Conquests & Attainders by our law, would in those daies pretend title stil, because by the Irish Lawe no man could forfeit his Land. These natiues taking the opportunity in weake and desperate times, vsurped those Seigniories; and so *Donald Mac Art Canna- nagb*, being entertained by the Earl of *Norfolke*, made himselfe Lorde of the County of *Catherlogh*; And *Lisagh O Moore*, being trusted by the *L. Mortimer*, who married the Daughter and Heire of the Lord *Bruce*, made himselfe Lord of the Lands in *Leix*, in the latter end of king *Edward* the seconds raigne, as is before declared.

*Baron Finglas,
Manuscript.*

F f

Againe,

Againe, the decay and losse of *Vister & Conaght*, is attributed to this; that the Lorde *william Bourke*, the last Earle of that name, died without issue Male; whose Ancestors, namely, the Red-Earle, and Sir *Hugh de Lacy*, before him, being personally resident, helde vp their greatnesse there; & kept the English in peace, and the Irish in awe: But when those Prouinces descended vppon an *Heire Female*, and an *Infant*, the Irish ouer-ran *Vister*, and the yonger branches of the *Bourkes*, vsurped *Conaght*. And therefore, the Ordinance made in England, the 3. of *Richard 2.* against such as were absent from their Lands in *Ireland*; and gaue two third parts of the profites thereof vnto the King, vntill they returned, or placed a sufficient number of men to defend the same, was grounded vppon good reason of state: which Ordinaunce was put in execution for many yeares after, as appeareth by sundry seizures made

*Archiu. Turr.
Rot. parliā. n. 42*

made thereupon, in the time of King
Richard 1. Henry 4. Henry 5. and Henry 6.
 whereof there remaine Recordes in
 the Remembrancers Office heere. A-
 mong the rest, the Duke of *Norffolke*
 himselfe was not spared, but was im-
 pleaded vpon this Ordinance, for two
 parts of the profits of *Dorburies* Iland,
 and other Landes in the Countie of
wexford, in the time of *K. Henry 6.* And
 afterwards, vpon the same reason of
 State, all the Landes of the house of
Norfolke, of the Earle of *Shrewesburie*,
 the Lord *Barkley*, and others (who ha-
 uing Lands in Ireland, kept their cō-
 tinuall residence in England) were
 entirely resumed by the Act of Ab-
 sentees, made in the 28. yeare of king
Henry the eight.

*Archiu. in offic.
 Remem. Dublin*

*Act of Absen-
 tees, 28. H. 8.*

But now againe, let vs look back
 and see, howe long the effect of that
 reformation did continue, which was
 begun by *Lionel* Duke of *Clarence*, in
 the fortith yeare of *K. Edw 3.* and what

courses haue bin held, to reduce and reforme this people by other Lieutenants and Gouvernors since that time.

The English Colonies beeing in some good measure reformed by the Statutes of *Kilkenny*, did not vtterly fall away into Barbarisme againe, till the warres of the two Houses had almost destroyed both these Kingdoms; for in that miserable time, the Irish found opportunity, without opposition, to banish the English Law and gouernment, out of all the Prouinces, and to confine it onely to the English Pale: Howbeit, in the mean time, between the Gouvernment of the Duke of *Clarence*, and the beginning of those ciuill Warres of *Yorke* and *Lancaster*, we finde that the State of *England* did sundry times resolute to proceede in this worke of reformation.

The reformation intended
by *K. Richard 2*

For first, King *Richard 2.* sent ouer Sir *Nicholas Dagworth*, to suruey the possessions of the Crowne; & to call
to

to accompt the Officers of the reuenue; Next (to draw his English Subjects to manure & defend their lands in *Ireland*) he made that Ordinance against Absentees, spoken of before. Again, he shewed an excellent example of Iustice, vppon Sir *Phillip Courtney*, being his lieutenant of that kingdome, when he caused him to bee arrested by special Commissioners, vpon complaint made of sundry greuous oppressions and wrongs, which during his Gouvernement, he had done vnto that people.

After this, the Parliament of England did resolue, that *Thomas Duke of Glocester* the Kings Vnkle, should bee employed in the reformation and reducing of that Kingdome: the Fame wherof, was no sooner bruted in *Ireland*, but all the Irishry were readie to submit them-selues before his coming: so much the very Name of a great personage, specially of a Prince

Ff 3

of

Archiv. Turr. 3
Rich. 2. cl. m 3.

3. Rich. 2. Rot.
Parliam. 11. 42.

9. Rich. 2. claus.
m. 1.

Walsingham in
Rich. 2. 349. a.

of the blood, did euer preuayle with this people. But the King and his Minions, who were euer iealous of this Duke of *Glocester*, wold not suffer him to haue the honor of that seruice. But the King himselfe thought it a worke worthy of his own presence & pains: and thereuppon, Himselfe in person, made those two royall iournies mentioned before: At what time, he receiued the submissions of all the Irish Lordes and Captaines, who bounde themselues both by Indenture & oath to become and continue his Loyall Subiects. And withall, laid a perticular proiect, for a ciuill plantation of the Mountains and Maritime Counties, betweene *Dublin* and *wexford*; by remoouing all the Irish Septes from thence, as appeareth by the couenants betweene the Earle Marshall of England, and those Irish Septs: which are before remembred, and are yet preserved, and remaine of Record in the
Kinges

Kings Remembrancers Office at *westminster*. Lastly, this King being present in Ireland, tooke speciall care to supply and furnith the Courtes of Iustice with able and sufficient Iudges; And to that end, hee made that Graue and Learned Iudge, Sir *william Hankford*, Chiefe Iustice of the kings bench heere (who afterwards for his seruice in this Realme, was made Chiefe Iustice of the Kings Bench in England, by K. *Henry 4.*) and did withall, associate vnto him, *william Sturmy*, a well Learned man in the Law; who likewise came out of England with the K. that the legal proceedings (which wer out of order too, as all other things in that Realme were) might be amended, and made formall, according to the course and Presidents of England. But all the good purposes & proiects of this King, were interrupted and vterly defeated, by his sodaine departure out of Ireland, and vnhappy deposition

Plac. coram Rege in Hibernia. Hillar. 18 Ric. 2

position from the Crowne of England.

The reformation intended
by Hen. 4.

Howbeit, King *Henrie* the fourth, intending likewise to prosecute this Noble worke in the third yeare of his raigne, made the Lord *Thomas of Lancaster*, his second sonne, Lieutenant of *Ireland* : Who came ouer in person, and accepted againe the submissions of diuers Irish Lords & Captaines, as is before remembred; and held also a Parliament, wherein hee gaue newe life to the Statutes of *Kilkenny*, and made other good Lawes tending to the Reformation of the Kingdome. But the troubles rayfed against the King his Father in England, drew him home again so soon, as that seed of reformation, tooke no roote at all; neither had his seruice in that kinde, any good effect or successe.

After this, the State of England
had

had no leisure to thinke of a generall reformation in this Realme, till the ciuill dissentions of England were appeased, and the peace of that kingdom settled, by K. *Henry 7.*

For, albeit in the time of King *Henry 6. Richard* duke of *York*, a Prince of the blood; of great wisdom and valour, and heir to a third part of the Kingdom at least, being Earle of *Ulster*, and Lord of *Conaght* and *Meth*, was sent the Kinges Lieutenant into Ireland, to recouer and reforme that Realme where he was resident in person for the greatest part of 10. yeares, yet the troth is, he aymed at another marke, which was the Crown of *England*. And therefore, he thought it no pollicy to distast either the English or Irish, by a course of reformation, but sought by all meanes to please them, and by popular courses to steale away their hearts, to the end, hee might strengthen his party, when he should

set on foot his Title (as is before declared.) Which policy of his tooke such effect, as that he drew ouer with him into England, the Flower of all the English Colonies, specially of *Ulster* and *Meth*, whereof many Noblemen and Gentlemen were slain with him at *wakefield* (as is likewise before remembred.) And after his Death, when the warres between the Houses were in their heat, almost al the good English bloud which was left in Ireland, was spent in those ciuill dissensions : so as the Irish became victorious ouer all, *without Bloud, or Sweat*. Only, that little Canton of Lande, called the English Pale, containing 4. small Shires, did maintain a bordering war with the Irish, and retaine the forme of English Gouvernement.

But out of that little Precinct, there were no Lordes, Knights, or Burgeses, summoned to the Parliament; neither did the Kings Writt run in anie
other

other part of the kingdome: and yet vpon the Marches & Borders, which at that time were growne so large, as they tooke vp halfe *Dublin*, half *Meth*, and a third part of *Kildare* and *Louth*; there was no law in vse, but the *March-Lawe*, which in the Statutes of *Kilkenny*, is said to be no Law, but a leud Custom.

So, as vpon the end of these ciuill warres in *England*, the English Law & Gouernment was well banisht out of *Ireland*, so as no foot-steppe or print was left, of any former Reformation.

Then did King *Henry 7.* send ouer Sir *Edward Poynings* to be his Deputy, a right worthy seruitor both in war and peace. The principall end of his employment, was to expel *Perkin warbecke* out of this kingdome; but that seruice beeing perfourmed, that worthy Deputy finding nothing but a common misery, tooke the best

The course of Reformation held by Sir Edward Poynings, in the time of k.H.7.

course he possibly could, to establish a Common-wealth in Ireland: and to that end, he held a Parliament no lesse famous, then that of *Kilkenny*; and more auailable for the reformation of the whole Kingdome. For whereas all wise men did euer concur in opinion, that the readiest way to reform Ireland, is to settle a forme of Ciuill Gouvernement there; conformable to that of *England*: To bring this to passe, Sir *Edward Poynings* did passe an Acte, whereby all the Statutes made in *England* before that time, were enacted, established, and made of force in *Ireland*. Neither did he only respect the time past, but provided also for the time to come. For, he caused another Law to be made, that no Act should be propounded in any Parliament of Ireland, but such as should bee first transmitted into England, and approved by the King and Counsell there, as good and expedient for that Land, and

and so returned backe againe, vnder the Great Seale of England. This Act, though it seeme *Prima facie* to restrain the liberty of the subiects of Ireland; yet was it made at the Prayer of the Commons, vpon iust and important cause.

For the Gouvernors of that realm, specially such as were of that Contry Birth, had layd many oppressions vpon the Commons: and amongst the rest, they had imposed Lawes vpon them, not tending to the generall good, but to serue priuate turnes, and to strengthen their particular facti-
ons. This moued them to referre all Lawes, that were to be passed in Ireland, to be considered, corrected, and allowed, first by the State of *England*, which had alwaies bin tender & carefull of the good of this people, and had long since made them a Ciuill, Rich, and Happy Nation, if their own Lords and Gouvernors there, had not

not sent bad intelligence into England. Besides this, he took special order, that the summons of Parliament should go into all the shires of *Ireland*, and not to the foure shires only; and for that cause specially, hee caused all the Acts of a Parliament, lately before holden by the *Viscount of Gormanston* to be repealed and made voide. Moreover, that the Parliamantes of *Ireland*, might want no desent or honorable forme that was vsed in *England*, he caused a particular Act to passe, that the Lords of *Ireland* should appeare in the like Parliament Robes, as the English Lords are wont to weare in the *Parliaments of England*. Hauing thus established all the statutes of *England* in *Ireland*, and set in order the great Counsell of that Realme, he did not omit to passe other Lawes, aswell for the encrease of the Kings Reuennue, as the preferuation of the publick peace.

To aduaunce the profites of the
Crowne,

Crown; First he obtained a subsidy of 25.s. 8.d. out of euery fixe score Acres manured, payable yearely for 5. years. Next, he resumed al the Crown land, which had been aliened (for the most part) by *Richard Duke of Yorke*: & lastly, he procured a subsidy of *Pondage*, out of all Merchandizes imported & exported, to be granted to the Crown in perpetuity.

To preserue the publicke peace, he reuiued the statutes of *Kilkenny*. He made wilfull murther High-Treason; he caused the Marchers to book their men for whom they should answere; and restrained the making Warre or peace, without speciall Commission from the State.

These Lawes, and others as important as these, for the making of a commonwealth in Ireland, wer made in the Gouvernment of *Sir Edward Poynings*. But these Lawes did not spread their Vertue beyonde the English Pale,

Pale, though they were made generally for the whole *Kingdome*. For the *Prouinces* without the *Pale*, which during the warre of *Yorke* and *Lancaster*, had wholly cast off the English Government, were not apt to receyue this seed of reformation, because they were not first broken and maistered againe with the sword. Besides, the *Irish Countreys*, which contained two third parts of the *Kingdome*, were not reduced to Shire-Ground, so as in the Lawes of *England* could not possibly be put in execution. Therefore, these good Laws & prouisions made by *Sir Edward Poynings*, were like good Lessons set for a Lute, that is broken and out of tune; of which Lessons, little vse can be made, till the Lute bee made fit to be plaid vpon.

And that the execution of al these *Lawes*, had no greater Latitude then the *Pale*, is manifest by the Statute of 13. of *Henry 8. c. 3.* which reciteth, that
at

at that time, the *Kings Lawes* were obeyed and executed in the four shires onely ; and yet then was the *Earle of Surrey Lieutenant of Ireland*, a Gouvernor much feared of the *Kings Enemies*, and exceedingly honored and beloved of the *Kings subiects*. And the instructions given by the state of Ireland, to *Iohn Allen*, Maister of the *Rols*, employed into *England*, neere about the same time, doe declare as much ; wherein among other things, hee is required to aduertise the King, that his Land of Ireland was so much decayed, as that the *Kings Lawes* were not obeyed twenty miles in compas. Whereupon, grew that By-word vsed by the Irish, (viz:) *That they dwelt By-west the Law*, which dwelt beyond the Riuer of the Barrow, which is within 30. Miles of *Dublin*. The same is testified by *Baron Finglas*, in his *Discourse of the decay of Ireland*, which hee wrote about the 20. yeare of King *Henry 8.* And thus we

The Counsell
Booke of Ire-
land. 16. H. 8.

see the effect of the Reformation which was intended by Sir *Edward Poynings*.

The reformation intended by the L. Leonard Gray, 28. Hen. 8.

THE next Attempt of Reformation, was made in the 28. yeare of King *Henry 8.* by the Lorde *Leonard Gray*, who was created Viscount of *Garny* in this Kingdome, and helde a *Parliament*, wherein many excellent Lawes were made. But to prepare the mindes of the people to obey these Lawes, he began first with a Martiall course: For being sent ouer to suppress the Rebellion of the *Giraldines*, (which he performed in few months) he afterwards made a victorious Circuit round about the Kingdome; beginning in *Offaly*, against *O Connor*, who had ayded the *Giraldines* in their Rebellion; and from thence passing along through all the Irish Countries in *Leinster*, and so into *Mounster*, wher hee tooke pledges of the degenerate Earle

Annales Hibernice Manus.

Earle of *Desmond*, and thence into *Conaght*, and thence into *Ulster*; & then concluded this warlicke Progresse with the Battell of *Belahoo*, in the Borders of *Meth*, as is before remembred.

The principall Septs of the Irishry beeing all terrified, and most of them broken in this iourney, manie of their chiefe Lords vppon this Deputies retorne came to *Dublin*, and made their submissions to the crown of England; Namely, the *O Neales*, & *O Relies* of *Ulster*, *Mac Murrough*, *O Birne*, and *O Carrol* of *Leinster*, and the *Bourks* of *Conaght*.

This preparation being made, he first propounded and passed in Parliament these Lawes, which made the great alteration in the State Ecclesiastical; Namely, the *Act* which declared King *Henry* the eight to bee supream Head of the Church of Ireland. The *Act* prohibiting Apeales to the church of *Rome*: the *Act* for first fruites, and

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land. 28. H. 8.

twentieth part to be paid to the King: the Act for Faculties and Dispensations: And lastly, the Act that did utterly abolish the usurped Authoritie of the Pope. Next, for the encrease of the Kings Reuennew: By one Act, he suppressed sundry Abbeyes and Religious Houses; and by another Acte, resumed the Lands of the Absentees, (as is before remembred.)

And for the Ciuill Government, a speciall Statute was made, to abolish the Black-Rents and tributes, exacted by the Irish, vpon the English Colonies; and another Law enacted, that the English Apparrell, Language, & manner of liuing, should bee vsed by all such, as would acknowledge themselves the Kings Subiects. This Parliament being ended, the Lord *Leonard Gray*, was suddenly reuokt, and put to death in England, so as hee liued not to finish the woorke of Reformation which he had begun: which notwithstanding,

standing was well pursued by his successors, Sir *Anthony Saint-Leger*; Vnto whom, all the Lords and Chiefetanes of the Irishry, and of the degenerate English throughout the Kingdome, made their seuerall submissions by Indenture (which was the fourth general submission of the Irish, made since the first attempt of the Conquest of Ireland) whereof the first was made to King *Henry 1.* the second to K. *Iohn*, the third to K. *Richard 1.* and his last to Sir *Anthony Saint-Leger*, in 33. of *Hen. 8.*

The course of
Reformation
pursued by
Sir *Anthony
Saint-Leger*.

Foure gene-
rall Submissi-
ons of the
Irish.

IN these Indentures of submission, all the Irish Lords do acknowledge K. *Henry* the eight to be their Soueraign Lord and King, and desire to bee accepted of him as subiects. They confesse the Kings supremacy in all causes, & do vtterly renounce the Popes Jurisdiction, which I conceiue to bee worth the noting, because, when the

The Counsell
Booke of Ire-
land, 32. 33.
and 34. of *H. 8*

The Irish and
degenerate
English, re-
nounce the
Pope.

Irish had once resolved to obey the king, they made no scruple to renounce the Pope. And this was not only done by the meere Irish, but the chiefe of the degenerate English Families did perfourme the same: as Desmond, Barry, and Roche, in Mounster; and the Bourkes, which bore the Title of Mac william, in Conaght.

The Counsell
Booke of Ire-
land. 33.H.8.

These submissions being thus taken, the Lorde Deputy and Counsell for the present Gouvernement of those Irish Countries, made certaine Ordinances of state, not agreeable altogether with the Rules of the Law of England; the reason whereof, is exprest in the preamble of those Ordinances; *Quia nondum sic sapiunt leges & iura, ut secundū ea iam immediate vivere & regi possint.* The chiefe points or Articles of which Orders registred in the Counsell-Booke are these: That King Henrie the eight, shold be accepted, reputed, and named King of Ireland, by all the Inhabitants of the Kingdome; that al
Archbi-

Archbishops and Bishops should bee permitted to exercise their Iurisdiction in euery Diocesse throughout the Land: that tithes should be duely set out, and paide: that Children should not be admitted to Benefices: that for euery Man slaughter, and theft aboue 14 d. committed in the Irish Contries, the offender should pay a fine of 40. li. twenty pound to the King, and 20. li. to the Captaine of the Country; and for euery thefte vnder 14. d. a fine of fiue markes should be paid, 46. s. viij. d. to the Captaine, and 20. s. to the *Tanister*: That Horsemen and *Kearn* should not be imposed vppon the Common people, to be fed and maintained by them: That the Maister should answer for his seruants, and the Father for his Children. That *Cuttings* should not be made by the Lorde vppon his Tenants, to maintaine war with his neighbors, but only to beare his necessary expences, &c.

These

These ordinances of state being made and published, there were nominated and appointed in euery province, certaine Orderers or Arbitraters, who instead of these Irish *Erebons*, should heare and determine all their Controuerfies. In *Conaght*, the Archbishop of *Tuam*, the Bishop of *Clonsfert*, Captaine *wakeley*, and Captaine *Ouington*. In *Munster*, the Bishop of *Waterford*, the Bishop of *Corke* and *Rosse*, the Maior of *Corke*, and Maior of *Youghball*. In *Ulster*, the Archbishop of *Ardmagh*, & the Lord of *Lomth*. And if any difference did arise, which they could not end, either for the difficultie of the cause, or for the obstinacy of the parties, they were to certifie the Lord Deputy and Counsell, who would decide the matter by their authority.

Heereuppon, the Irish Captaines of lesser Territories, which had euer bin oppressed by the greater & mightier; some, with Risings out; others, with

with *Bonaght*, and others, with *Cuttings*, and spendings at pleasure, did appeale for Iustice to the Lorde Deputy; who vpon hearing their Complaints, did alwayes order, that they should all imediatly depend vpon the King; and that the weaker should haue no dependancy vpon the stronger.

Lastly, he preuailed so much with the greatest of them; Namely, *O Neale*, *O Brien*, and *Mac william*, as that they willingly did passe into *England* and presented themselues to the king, who thereuppon was pleased to aduance them to the degree and honor of Earles, & to grant vnto them their seuerall Contries, by Letters patents. Besides, that they might learne Obedience and Ciuility of maners, by often repairing vnto the State, the K. vpon the motion of the same Deputy, gaue each of them a house and Lands neere *Dublin*, for the entertainment

of their feuerall traines.

This courfe, did this Gouvernour take to reforme the Irifhry; but with-
all, he did not omit to aduance both
the honor and profit of the King. For
in the Parliament which he helde the
33. of Henry 8. hee caused an Acte to
paffe, which gaue vnto K. Henry 8. his
heyres and fucceffors, the name, ftile,
and Title of *King* of Ireland; whereas
before that time, the Kings of England
were ftiled but Lords of *Ireland*: albe-
it indeed, they were absolute *Monarks*
thereof, and had in right all Royall &
Imperial Iurifdiction & power there,
as they had in the Realm of England.
And yet becaufe in the vulgar conceit
the name of *King*, is higher then the
name of *Lorde*. Affuredly, the affu-
ming of this title, hath not a litle ray-
fed the foueraignty of the K. of Eng-
land in the minds of this people. Laft-
ly, this Deputy brought a great aug-
mentation to the *Kings* Reuenue, by dif-

dissolving of all the Monasteries and Religious Houses in Ireland, which was done in the same Parliament: & afterward, by procuring *Min* and *Ca-uendish*, two skilfull Auditours, to bee sent ouer out of England. Who tooke an exact suruey of all the possessions of the Crowne, and brought manie things into charge, which had beene concealed and substracted for manie years before. And thus far did Sir *Anthony Saint-Leger* proceed, in the course of Reformation; which though it wer a good beginning, yet was it far from reducing Ireland to the perfect Obedience of the Crown of England. For all this while, the Prouinces of *Conaght* and *Ulster*, and a good parte of *Leinster*, were not reduced to Shire-Ground. And though *Mounster* were anciently diuided into Counties, the people were so degenerate, as no Iustice of Assise, durst execute his Commission amongst them. None of the

Irish Lords or Tenants were settled in their possessions, by any Graunt or Confirmation from the Crowne, except the three great Earles before named; who notwithstanding, did gouern their Tenants and Followers, by the Irish or *Brehon* Law; so as no treason, murther, rape, or theft, committed in those Countries, was inquired of, or punished by the Law of England; and consequently, no Escheat, Forfeiture, or Fine; no Reuenue (certain or casuall) did acrow to the Crowne out of those Prouinces.

The course of Reformation prosecuted by Thomas Earle of Suffex, in the time of Q. Mary.

Leix & Offaly made two Counties, 3. & 4. Phil. & Maria.

The next worthy Gouvernor that endeououred to aduance this Reformation, was *Thomas* Earle of Suffex; who hauing thoroughly broken and subdued the two most rebellious and powerful Irish Septs in *Leinster*; namely, the *Moore*s & *O Connors*, possessing the territories of *Leix* & *Offaly*, did by Act of Parliament, 3. & 4. Phil. & Maria, reduce those Countries into two feuerall

feuerall Counties; naming the one, the *Kinges*; and the other, the *Queenes* County; which were the first two Counties that had beene made in this Kingdome, since the twelfth yeare of King *Iohn*; at what time the Territories the possessed by the English Colonies, were reduced into 12. Shires, as is before expressed.

This Noble Earle, hauing thus extended the Iurisdiction of the English Lawe into two Counties more, was not satisfied with that addition, but took a resolution to diuide all the rest of the Irish Countries vnreduced, into feuerall Shires; and to that end, he caused an Act to passe in the same Parliament, authorising the Lord Chancellour, from time to time, to award Commissions to such persons, as the Lord Deputy should nominate and appoint, to viewe, and perambulate those Irish territories; and thereupon, to diuide and limit the same into such

and so many feuerall Counties as they should thinke meete ; which beeing certified to the Lord Deputy, and ap-
proued by him, should bee returned and enrolled in the Chancery, and from thenceforth be of like force and effect, as if it were doone by Act of Parliament.

Thus did the Earle of *Sussex* lay open a passage for the Ciuill gouernment into the vnreformed partes of this Kingdome, but himselfe proceeded no further then is before declared.

The course of
Reformation
followed by
Sir Henry Sid-
ney, in the
time of Qu.
Elizabeth.

Howbeit afterwarde, during the raigne of Queen *Elizabeth*, Sir *Henry Sidney*, (who hath left behinde him many Monuments of a good Gouvernour in this Land) did not onely pursue that course which the Earle of *Sussex* began, in reducing the Irish Counties into Shires, and placing therein Sheriffes, and other Ministers of the Law ; (for first hee made the *Annaly* a Territory

Territory in *Leynster*, possessed by the Sept of *Offerralles*, one entire Shire by it selfe, and called it the County of *Longford*; and after that he diuided the whole Prouince of *Conaght* into fixe Counties more; namely, *Clare* (which containeth all *Thomond*) *Gallaway*, *Sligo*, *Mayo*, *Roscomon*, and *Leytrim*:) But he also had caused diuers good Lawes to be made, & performed sundry other seruices, tending greatly to the reformation of this Kingdome. For first, to diminish the greatnesse of the Irish Lordes, and to take from them the dependancy of the Common people, in the Parliament which he held 11. *Eliz.* Hee did abolish their pretended and vsurped Captain-ships, and all exacti- ons, and extortions incident thereunto. Next, to settle their Seigniories & possessions in a course of Inheritance, according to the course of the Common Law, he caused an Act to passe, whereby the Lord Deputy was autho-
rised

rised to accept their Surrenders, and to re-grant estates vnto them, to hold of the Crown by English tenures and seruices. Againe, because the Inferi- or sort were loose and poore, and not amesnable to the Law; hee prouided by another Act, that fiue of the best & eldest persons of euery Sept, should bring in all the idle persons of their sur-name, to be iustified by the Law. Moreouer, to giue a ciuill education to the Youth of this Land in the time to come, prouision was made by another Law, that there should bee one Free-schoole, at least, erected in euery Diocesse of the Kingdom. And lastly, to invre and acquaint the people of *Mounster* and *Conaght*, with the English Gouernment againe (which had not been in vse among them, for the space of 200. yeares before:) hee instituted two Presidency Courtes in those two Prouinces, placing Sir *Edward Fitton* in *Conaght*, and Sir *Iohn Perrot* in *Mounster*.

To

To augment the Kings Reuennue in the same Parliament, vppon the attainer of *Shane O Neale*, hee resumed & vested in the Crowne, more then halfe the Prouince of *Ulster*: He raised the Customes vpon the principall commodities of the Kingdome: He reformed the abuses of the Exchequer, by many good orders and instructions sent out of *England*; and lastly, he established the composition of the *Pale*, in liewe of Purueyance and Sesse of Souldiers.

These were good proceedinges in the worke of Reformation, but there were many defects & omissions withall; for though he reduced all *Conaght* into Counties, he neuer sent any Iustices of Assize to visite that Prouince, but placed Cōmissioners there, who gouerned it onely in *A course of discretion*; part Martiall, and part Ciuill. Againe, in the Law that dooth abolish the Irish Captain-ships, he gaue waie

K k

for

for the reuiuing thereof againe, by excepting such, as should be granted by Letters Patentes from the Crowne; which exception did indeede take away the force of that Law. For no gouernour during Queene *Elizabeths* raign, did refuse to grant any of those Captain-ships, to any pretended *Irish* Lord, who would *Desire*, and with his thankfulnessse *Deserue* the same. And againe, though the greatest part of *Ulster* were vested by Act of Parliament, in the actuall and reall possession of the Crowne; yet was there neuer any seisure made thereof, nor any part thereof brought into charge, but the *Irish* were permitted to take all the profits, without rendering any dutie or acknowledgement for the same; and though the Name of *O Neale* were damned by that act, and the assuming thereof made High-treason; yet after that, was *Tirlagh Leynnagh* suffered to beare that Title, and to intrude vpon the

the possessions of the Crown, and yet was often entertained by the State with fauour. Neither were these lands resumed, by the Act of 11. of Elizabeth neglected onely (for the Abbaies and religious Houses in *Tirone*, *Tirconnell*, and *Fermannagh*, though they were dissolved in the 33. of Henry 8. were neuer surueied nor reduced into charge, but were continually possesst by the religious persons) vntill his Maiestie that now is came to the Crowne: and that which is more stráge, the Donations of Byshopprickes, being a flower of the Crowne (which the Kings of England did euer retaine in all their Dominions, when the Popes vsurped Authority was at the highest.) There were three Bishopprickes in *Ulster*; namely, *Derry*, *Rapho*, and *Clogher*, which neither Queene Elizabeth, nor any of her Progenitors did euer bestow, though they were the vndoubted Patrons thereof. So as King James

was the first king of England that did euer supply those Sees with Byshops, which is an argument eyther of great negligence, or of great weaknesse in the State and Gouvernours of those times. And thus farre proceeded Sir *Henry Sidney*.

The Reformation ad-
vanced by Sir
Iohn Perrot.

AFTER him, Sir *Iohn Perrot*, who held the last Parliament in this Kingdome, did aduance the *Reformation* in three principall points. First, in establishing the great composition of *Conaght*; in which seruice the wisedome and industry of *Sir Richard Bingham* did concur with him: next, in reducing the vnreformed partes of *Ulster* into seauen shires; namely, *Ardmagh*, *Monaban*, *Tirone*, *Coleraine*, *Deuergall*, *Fermannagh*, & *Cauan*; though in his time the Law was neuer executed in these new Counties by any Sheriffes or Iustices of Assize, but the people left to be ruled still by their own barbarous
Lords

Lords and Lawes: And lastly, by vesting in the Crowne, the Lands of *Desmond* and his Adherents in *Mounster*, and planting the same with English, thogh that plantation were imperfect in many points.

After *Sir Iohn Perrot*, *Sir William Fitzwilliams* did good seruice in two other points. First, in raising a composition in *Mounster*; and then, in settling the possessions both of the Lords and Tenantes in *Monaban*, which was one of the last Acts of State, tending to the reformation of the Ciuill Government that was performed in the raigne of Queene ELIZABETH.

The Seruice
of *William Fitzwilliams*,
tending to reformation.

Thus we see, by what degrees, & what pollicy and successe the Gouvernors of this Land from time to time, since the beginning of the raigne of King *Edward* 3. haue endeavored to reforme and reduce this people to the perfect obedience of the Crowne of

England: And we find, that before the Ciuill Warres of *Yorke* and *Lancaster*, they did chiefly endeuour to bring backe the degenerate English Colonies, to their Duty and Allegeaunce, not respecting the meer Irish, whom they reputed as Aliens or Enemies of the Crowne. But after King *Henry 7.* had vnited the *Roses*, they labored to reduce both English and Irish together: which worke, to what passe and perfection it was brought in the latter end of Queen *Elizabeths* raign, hath bin before declared.

Whereof sometimes when I doe consider, I do in mine owne conceit compare these later Gouvernors, who went about to reforme the Ciuill Affairs in *Ireland*, vnto some of the *Kings* of *Israel*, of whom it is saide; That they were good *Kings*, but they did not cut downe the Groues and High places, but suffered the people still to burne Incense, & commit Idolatry in them:

so

so Sir *Anthony Saint-Leger*, the Earle of Suffex, sir *Henry Sidney*, & sir *Iohn Perrot*, were good Gouvernours, but they did not abolish the Irish Customs, nor execute the Lawe in the Irish Countries, but suffered the people to worship their barbarous Lordes, and to remaine vtterly ignorant of their Duties to God and the King.

AND now am I come to the happy raigne of my most Gracious Lord & Maister K. *Iames*; in whose time, as *there hath been a concurrence of many great Felicities*: so this among others may be numbred in the first ranke; that all the Defects in the Gouvernment of *Ireland* spoken of before, haue beene fully supplied in the first nine yeares of his raigne. In which time, there hath bin more done in the worke & reformation of this *Kingdome*; then, in the 440. yeares which are past since the Conquest was first attempted.

How the Defects & errors in the gouernment of Ireland, haue bin supplied and amended since the beginning of his Maiesties Raigne.

How-

Howbeit, I haue no purpose in this Discourse, to set forth at large all the proceedings of the State heere in reforming of this Kingdom, since his Maiesty came to the Crowne, for the parts and passages thereof are so many, as to expresse them fully, woulde require a seuerall Treatise. Besides, I for my part, since I haue not flattered the former times, but haue plainly laid open the negligence and errors of euery Age that is past, woulde not willingly seeme to flatter the present, by amplifying the diligence and true Iudgement of those Seruitours, that haue laboured in this Vineyard since the beginning of his Maiesties happy raigne.

I shall therefore summarily, without any amplication at all, shewe in what manner, and by what degrees, all the defects which I haue noted before in the Gouvernment of this *Kingdome*, haue bin supplied since his Maiesties

iesties happy raigne beganne; and so conclude these obseruations concerning the State of Ireland.

First then, touching the Martiall affaires, I shall neede to say little, in regard that the Warre which finished the Conquest of Ireland, was ended almost in the instant when the crown descended vpon his Maiesty; and so there remained no occasion to amēd the former errors committed in the prosecution of the warre. Howbeit, sithence his Maiesty hath still maintained an Army heere, aswell *For a Seminary of Martiall Men; as to Giue strength and countenance to the Ciuil Magistrate;* I may iustly obserue, that this army hath not bin fed with *Coigne & Liuey*, or *Sesse* (with which Extortions the fouldier hath bin nourished in the times of former Princes) but hath bin *as iustly and royally paid, as euer Prince in the world did pay his Men of war.* Besides,

Ll when

Errors in the
carriage of
the martiall
affaires a-
mended.

when there did arise an occasion of employment for this army against the Rebell Odoghertie ; neither did his Maieſty delay the re-inforcing thereof, but inſtantly ſent ſupplies out of England and Scotland; neither did the Martiall men dally or proſecute the Seruice faintly, but Did forthwith quench that fire, whereby themſelves would haue bin the warmer the longer it had continued, as well by the encrease of their entertainment, as by booties and ſpoile of the Countrey . And thus much I thought fit to note, touching the amendment of the Errors in the Martiall affaires.

How the Defects in the ciuill Government, haue bin ſupplied.

SEcondly, for the ſupply of the Defects in the ciuill Government, theſe courſes haue bene purſued ſince his Maieſties prosperous raigne began.

By eſta-
bliſh-
ing the pub-
licke peace.

Fiſt, albeit vpon the end of the war, whereby Tyrones vniuerſall Rebellion was ſuppreſt, the minds of the people

people were broken and prepared to Obedience of the Law ; yet the State vpon good reason, did conceiue, that the publicke peace could not be settled, till the hearts of the people were also quieted , by securing them from the danger of the law, which the most part of them had incurred one way or other, in that great and general confusion.

Therefore, first by a generall Act of State, called the *Act of Oblivion*, published by *Proclamation* vnder the great Seale; Al offences against the Crown, and all perticuler Trespasses between subiect and subiect, done at any time before his Maiesties raigne, were (to all such as would come in to the Iustices of Assise by a certaine day, and claime the benefit of this Act) pardoned, remitted, and vtterly extinguished, neuer to be reuiued or called in question. And by the same proclamation, all the Irishry (who for the most

part, in former times, were left vnder the tyranny of their Lords and Chieftanies, and had no defence or Iustice from the Crowne) were receiued into his Maiesties *immediate protection*. This bred such comfort and security in the hearts of all men, as thereupon ensued, the calmest, and most vniuersall peace, that euer was seen in *Ireland*.

2.
By establishing the publique Iustice in euery part of the Kingdome.

The publicke peace beeing thus established, the State proceeded next to establish the publick Iustice in euery part of the Realm: And to that end, Sir *George Cary* (who was a prudent Gouvernor, and a iust, and made a fair entry into the right way of reforming this Kingdome) did in the first yeare of his Maiesties raigne, make the first Sheriffes that euer were made in *Tyrene* and *Tirconnell*; and shortly after, sent Sir *Edmund Pelham* Chiefe Baron, & my selfe thither, the first Iustices of Assise that euer sat in those *Countries*:
and

and in that Circuit, wee visited all the shires of that Prouince: Besides which visitation, though it were some-what distastfull to the Irish lords, was sweet and most welcome to the Common people; who, albeit they were rude & barbarous, yet did they quickly apprehend the difference betweene the tyranny and oppression vnder which they liued before, & the iust gouernment and protection which wee promised vnto the for the time to come.

The Lawe hauing made her Progressse into *Vlster* with so good successe, *sir Arthur Chichester* (who with singular Industry, Wisedome, and Courage, hath now for the space of 7. years and more, profecuted the great worke of Reformation, and brought it well-neere to an absolute perfection) did in the first year of his gouernment, establissh two other *Newe Circuits* for Iustices of Assise; the one in *Conaght*, and the other in *Mounster*. I

call them *New Circuites*, for that, although it bee manifest by manie Records, that *Iustices Itinerant* haue in former times beene sent into all the shires of *Mounster*, & some part of *Conaght*; yet certaine it is, that in 100. yeares before (I speake much within compasse) no such Commission had bin executed in either of these 2. Provinces. But now, the whole Realme being diuided into *Shires*, and euerie bordering Territory, whereof anie doubt was made in what County the same should ly, being added or reduced to a County certaine (among the rest, the *Mountaines* and *Glynnes* on the South side of *Dublin*, wer lately made a Shire by it self, and called the County of *wicklow*; wherby the Inhabitants which were wont to be Thorns in the side of the *Pale*, are become ciuill and quiet Neighbors thereof,) the streams of the publicke Iustice were deriued into euery part of the Kingdome; and the

the benefit and protection of the law of England communicated to all, as well Irish as English, without distinction or respect of persons; By reason whereof, the worke of deriuing the publick Iustice, grew so great, as that there was *Magna messis, sed Operarij pauci*. And therefore, the number of the Iudges in euery Bench was increased, which do now euery halfe yeare (like good *Plannets* in their seuerall *spheares* or *Circles*) carry the light and influence of Iustice, round about the *Kingdom*; whereas the Circuits in former times, went but round about the *Pale*, like the Circuit of the *Cinosura* about the *Pole*.

Quæ cursu niteriore, breui conuertitur orbe.

Vpon these Visitations of Iustice, whereby the iust and honourable Law of England was imparted and communicated to al the Irishry, there followed these excellent good effects.

First,

The good effects which followed the execution of the law thoroughout the Kingdome.

First, the Common people were taught by the Iustices of Assise, that they were free subiects to the Kings of England, and not slaues & vassals to their pretended Lords: That the *Cuttings*, *Cosheries*, *Sessings*, and other Extortions of their Lords, were vnlawfull; and that they should not any more submit them-selues thereunto, since they were now vnder the protection of so iust and mighty a Prince, as both wold and could protect them from all wrongs & oppressions: They gaue a willing eare vnto these lessons; and thereupon, the greatnesse & power of those Irish Lords ouer the people, sodainly fell and vanished, when their Oppressions and Extortions were taken away which did maintain their greatnesse: Infomuch, as diuers of them, who formerly made them-selues Owners of al (by Force;) were now by the law reduced to this point; That wanting meanes to defray their ordi

ordinary charges, they resorted ordinarily to the Lord Deputy, and made petition, that by License and warrant of the State, they might take some aid and contribution from their people; aswel to discharge their former debts, as for competent maintenance in time to come: But some of them being impatient of this diminution, fled out of the Realme to forraign Countries. Whereupon, we may well Obserue; That, *as Extortion did banish the old English Free-holder, who could not liue but vnder the Law; So the Law did bannish the Irish Lord, who could not liue but by Extortion.*

Againe, these Circuits of Iustice, did(vpon the end of the warre) more terrifie the loose and ydle personnes, then the execution of the martial law, though it weremore quicke and so-daine: and in a short time after, did so cleare the Kingdome of Theeues, & other Capitall Offenders, as I dare af-

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firme,

firme, that for the space of five yeares last past, there haue not bin found so many Malefactors worthy of death in al the six Circuits of this realm (which is now diuided into 32. shires at large) as in one Circuit of six Shires; namely, the Westernne Circuit in England. For the troth is, that in time of peace, the Irish are more fearefull to offend the Law, then the English, or any other Nation whatsoeuer.

Againe, whereas the greatest advantage that the Irish had of vs in all their Rebellions, was, *Our Ignorance of their Countries, their Persons, and their Actions*: Since the Law and her Ministers haue had a passage among them, all their places of Fastnesse haue been discouered and laide open; all their paces cleard; & notice taken of euery person that is able to do either good or hurt. It is knowne, not only how they liue, and what they doe, but it is foreseen what they purpose or intend

to

to do : Infomuch, as *Tirone* hath been heard to complaine, that he hadde so many eyes watching ouer him, as he coulde not drinke a full Carouse of Sacke, but the State was aduertised thereof, within few houres after. And therefore, those allowances which I finde in the ancient Pipe-Rolles, *Pro guidagio*, & *spiagio*, may be well spared at this day. For the Vnder-Sheriffes and Bayliffes errant, are better guides and Spies in the time of peace, then any were found in the time of war.

Moreouer, these ciuil assemblies at Assises and Sessions, haue reclaymed the Irish from their wildenesse, caused them to cut off their Glibs and long Haire; to conuert their Mantles into Cloaks; to conform themselues to the maner of *England* in al their behauour and outward formes. And because they find a great inconuenience in mouing their suites by an Interpreter; they do for the most part

send their Children to Schools, especially to learne the English language: so as we may conceiue an hope, that the next generation, will in tongue & heart, and euery way else, becom *English*; so as there will bee no difference or distinction, but the Irish Sea betwixt vs. And thus we see a good conuersion, & the *Irish Game* turned againe.

For heeretofore, the neglect of the Lawe, made the English degenerate, and become Irish; and now, on the other side, the execution of the Law, doth make the Irish grow ciuil, and become English.

Lastly, these generall Sessions now, do teach the people more obedience, and keep them more in awe then did the general hostings in former times. These Progresses of the Law, renew and confirme the Conquest of *Ireland* euery halfe yeare, and supply the Defect of the kings absence in euery part of the Realme; In that euery Iudge sitting

ting in the seat of Iustice, dooth represent the person of the King himselfe.

These effectes, hath the establishment of the publicke *Peace* and *Iustice* produced, since his Maiesties happie Raigne began.

Howbeit, it was impossible to make a Common-weale in Ireland, without performing another seruice; which was, the settling of all the Estates and possessions, aswell of Irish, as English, thoroughout the Kingdome.

3. The settling of the States and possessions of the Irishry, aswell as of the English

For, although that in the 12. year of Queen ELIZABETH, a special Law was made, which did enable the Lord Deputy to take surrenders, & regrant Estates vnto the Irishry (vpon signification of her Maiesties pleasure in that behalfe;) yet were there but few of the Irish Lords that made offer to surrender during her raigne: & they which made surrenders of entire

Countries, obtained Graunts of the whole againe to themfelues only, & to no other, and all in demefne. In paffing of which Graunts, there was no care taken of the inferiour Septes of people, inhabiting and poffeffing thefe Countries vnder them, but they held their feuerall portions in courfe of Taniftry and Gauelkind, and yeilded the fame Irish Duties or exacti- ons, as they did before: So that vpon euery fuch Surrender & Grant, there was but one Free-holder made in a whole Country, which was the Lord himfelfe; al the reft were but tenants at Wil, or rather tenants in villenage, and were neither fit to be fworne in Iuries, nor to performe any publicke feruice: And by reason of the vncer- tainety of their Eftates, did vtterly neglect to build, or to plant, or to im- proue the Land. And therefore, al- though the Lorde were become the Kings Tenant, his Countrey was no
whit

whit reformed thereby, but remained in the former Barbarisme and Desolation.

Againe, in the same Queens time, there were many Irish Lordes which did not surrender, yet obtained Letters Patents of the Captaine-ships of their Countries, & of all Lands & Duties belonging to those Captainships: For the Statute which doth condemn & abolish these Captain-ries, vsurped by the Irish, doth giue power to the Lorde Deputy to graunt the same by Letters pattents. Howbeit, these Irish Captaines, and likewise the English, which were made Seneschalles of the Irish countries, did by colour of these Grants, and vnder pretence of Government, claime an Irish Seigniory, and exercise plaine tyranny ouer the Common people. And this was the fruite that did arise of the Letters Patents, granted of the Irish Contries in the time of Q. Elizabeth, where before they

they did extort & oppresse the people, only by colour of a leud and barbarous Custom; they did afterwards vse the same Extortions and Oppressions by warrant, vnder the great seal of the Realme.

How the Cō-
missions for
Surrenders,
and defectiue
Titles, haue
bin put in ex-
ecution.

But now, since his Maiesty came to the Crown, two speciall Commis-
sions haue bin sent out of England, for the settling and quieting of all the possessions in Ireland; The one, for accepting Surrenders of the Irish and degenerate English, and for regranting Estates vnto them, according to the course of the Common Law; The other, for strengthening of defectiue Titles. In the Execution of which Cō-
missions, there hath euer bin had a speciall care, to settle and secure the Vnder-Tennants; to the end, there might be a repose and establishment of euery Subiects Estate; Lord & Tenant, Free-holder and Farmer, thoroughout the Kingdome.

Vpon

Vppon Surrenders, this course hath bin helde from the beginning; when an Irish Lord doth offer to surrender his Country, his surrender is not immediatly accepted, but a Commission is first awarded, to enquire of three special points. First, of the quantity and limits of the Land whereof he is reputed owner. Next, how much himselfe doth hold in demeasne, and how much is posselt by his Tennants and Followers. And thirdly, what Customs, Duties, and seruices, he doth yearly receiue out of those lands. This Inquisition being made & returned, the Lands which are found to bee the Lords proper possessions in demesne, are drawne into a *Particular*; and his Irish Duties; as *Cosherings, Sessings, Rents of Butter and Oatmeale*, and the like; are reasonably valued and reduced into certaine *Summes of Money*, to be paide yearely in lieu thereof. This being done, the surrender is accepted; and

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thereupon a Grant passed, not of the whole Country, as was vsed in former times, but of those Lands only, which are found in the Lords possession, & of those certaine summes of Money, as Rents issuing out of the rest. But the Lands which are found to be possesst by the Tenants, are left vnto them, respectively charged with these certain Rents only, in lieu of all vncertaine Irish exactions.

In like manner, vpon all *Grants*, which haue past by vertue of the commission, for defectiue Titles, the Commissioners haue taken speciall Caution, for preservation of the Estates of all particular Tenants.

No Grant of
Irish Captain
ships, or Se-
neschalships,
since his Ma-
iesties raigne.

And as for Graunts of *Captaine-shippes* or *Seneschal-shippes*, in the Irish Countries; albeit, this Deputy had as much power and authority to graunt the same, as any other Gouvernors had before him; and might haue raised as much profit by bestowing the same, if he

he had respected his priuate, more then the publicke good ; yet hath he bin so farre from passing any such in all his time, as he hath endeouored to resume all the Graunts of that kinde, that haue bin made by his Predecessors; to the end, the inferiour subiects of the Realme, should make their only and imediate dependancie vppon the Crowne. And thus we see, how the greatest part of the possessions, (aswell of the Irish as of the English) in *Leinster*, *Conaght*, and *Mounster*, are settled and secured since his Maiestie came to the Crowne : whereby the harts of the people are also settled, not only to liue in peace, but raised & incouraged to builde, to plant, to giue better education to their children, & to improue the commodities of their Landes ; whereby the yearely value thereof, is already encreased, double of that it was within these few yeares, and is like daily to rise higher, till it

amount to the price of our Lande in England.

The plantati-
on of *Ulster*.

LAstly, the possessions of the Irishry in the Prouince of *Ulster*, though it were the most rude and vnreformed part of Ireland, and the *Seat* and *Nest* of the last great Rebellion, are now better disposed and establisshed, then any the Lands in the other *Prouinces*, which haue bin past and settled vpon Surrenders. For, as the occasion of the disposing of those Lands, did not happen without the speciall prouidence and finger of God, which did cast out those wicked and vngratefull Traitors, who were the only enemies of the reformation of *Ireland*: so the distribution and plantation thereof, hath bin projected & profecuted, by the speciall direction and care of the K. himselfe; wherein his Maiesty hath corrected the Errors before spoken of, committed by K. *Henry 2.* & K. *Iohn*,
in

in distributing and planting the first conquered Landes . For, although there were six whole Shires to be disposed, his Maiesty gaue not an entire Country, or County, to any particular person; much lesse did he grant *Iura Regalia*, or any extraordinary Liberties. For the best *British Undertaker*, had but a proportion of 3000. Acres for himself, with power to create a Manor, and hold a Court Baron : Albeit, many of these *Undertakers*, were of as great birth & quality, as the best Adventurers in the first conquest. Again, his Maiesty did not vtterly exclude the Natiues out of this plantatiō, with a purpose to roote them out, as the Irish wer excluded out of the first *English Colonies*; but made a mixt plantation of *Brittish & Irish*, that they might grow vp together in one Nation : Only, the Irish were in some places transplanted from the Woods & Mountaines, into the Plaines & open

Countries, that being remoued (like wild fruit trees) they might grow the milder, and beare the better & sweeter fruit. And this truly, is the Maister-piece, and most excellent part of the worke of Reformation, and is worthy indeed of his Maiesties royall paines. For when this Plantation hath taken root, and bin fixt and setled but a few yeares, with the fauour and blessing of God (for the son of God himselte hath said in the Gospell, *Omnis Plantatio, quam non plantauit pater meus, eradicabitur*) it will secure the peace of Irelād, assure it to the Crowne of England for euer; and finally, make it a Ciuill, and a Rich, a Mighty, and a Flourishing Kingdome.

I omit to speake of the increase of the Reuenew of the Crown, both certaine and casuall, which is raised to a double proportion (at least) aboue that it was, by deriuing the publick Iustice into all parts of the Realm; by setting
all

all the possessions, both of the Irish & English, by re-establishing the compositions; by restoring and resuming the Customes; by reuiuing the Tenures in *Capite*, and *Knights-Service*; & reducing many other thinges into charge, which by the confusion and negligence of former times, became concealed and subtracted from the Crowne. I forbear likewise to speak of the due and ready bringing in of the Reuenue, which is broght to passe by the well-ordering of the Court of *Exchequer*, and the Authority & paines of the Commissioners for Accompts.

I might also adde heereunto, the encouragement that hath bin giuen to the Maritime Townes and Citties, as well to increase their trade of Marchandize, as to cherrish Mechanicall Arts and Sciences; in that all their Charters haue bin renued, & their Liberties more enlarged by his Maiesty, then by any of his Progenitors since
the

the Conquest. As likewise, the care & course that hath been taken, to make Ciuil Commerce and entercourse betweene the Subjects, newly reformed and brought vnder Obedience, by granting Markets and Faires to bee holden in their Countries, and by erecting of corporate Townes among them.

Briefly, the clock of the ciuil Government, is now well set, and all the wheelles thereof doe moue in Order; The strings of this Irish Harpe, which the Ciuill Magistrate doth finger, are all in tune (for I omit to speak of the State Ecclesiasticall) and make a good Harmony in this Commonweale: So as we may well conceiue a hope, that *Ireland* (which heertofore might properly be called the *Land of Ire*, because the *Irascible* power was predominant there, for the space of 400. yeares together) will from henceforth prooue a Land of *Peace* and *Concorde*. And, though

though heeretofore it hath bin like the leane Cow of Egypt, in *Pharaohs* Dreame, deuouring the fat of *England*, and yet remaining as leane as it was before, it will hecreafter bee as fruitfull as the land of *Canaan*; the description whereof, in the 8. of *Deutronomie*, doth in euery part agree with *Ireland*; being, *Terra Riuiorum, aquarumq; & Iontium*; in cuius *Campis, & Montibus, erumpunt fluviorum abyssi*; *Terra frumenti, & hordei*; *Terra lactis, & mellis*; vbi absque vlla penuria comedes panem tuum, & rerum abundantia perfrueris.

And thus I haue discovered and expressed the Defects and Errors, as well in the manning of the *Martiall Affaires*, as Of the *Ciui*; which in former Ages gaue impediment to the reducing of all *Ireland*, to the *Obedience & Subiection* of the Crowne of *England*. I haue likewise obserued, what courses haue bin taken, to Reforme the Defects and Errors in *Gouernment*, and to re-

duce the People of this Land to Obedience, since the beginning of the raigne of King Edward 3. til the latter end of the raigne of Q. Elizabeth.

And lastly, I haue declared & set forth, How all the said Errors haue bin corrected, and the Defectes supplied vnder the prosperous Government of his Maiesty; So as I may positiuely conclude in the same words, which I haue vsed in the Title of this Discourse; That vntill the beginning of his Maiesties Raigne, Ireland was neuer entirely subdued, and brought vnder the Obedience of the Crown of England. But since the crown of this kingdom, with the vndoubted right and Title thereof, discended vpon his Maiesty; The whol Island from Sea to Sea, hath bin brought into his Highnes peaceable possession; and all the Inhabitants, in euery corner thereof, haue bin absolutely reduced vnder his immediate subiection. In which condition of subiects, they wil gladly continue,

nue, without defection or adhæring
 to any other *Lord or King*, as long as
 they may be *Protected*, and *Iustly Gouer-*
ned, without *Oppression* on the one side,
 or *Impunity* on the other. For, there is
 no Nation of people vnder the sunne,
 that doth loue equall and indifferent
 Iustice, better then the Irish; or will
 rest better satisfied with the executi-
 on thereof, although it bee against
 themselues; so as they may haue the
 protection & benefit of the Law,
 when vppon iust cause
 they do desire
 it.

FINIS.

Errata.

FOL. 16. Linea. 6. dele &c. fol. 18. for *regnem*, read *regnum*. fol. 54. for offerals; O Farals. for Haulon, Hanlon. fol. 62. for Gormauſton, Gormanſton. fol. 86. for Gliun, Clinn. fol. 95. for improued, proued. fol. 102. for *illuc*, *illie*. fol. 103. for Clandalkin, Clandal-kan. fol. 109. for Cautetan; Canteton. fol. 120. for mediate, immediate. fol. 134. for donation and; donation of. fol. 166. for Fermaunagh; Fermannagh. fol. 182. for Mangle; Nangle. for the Archdeacon; *Archdeacon*. fol. 191. for mightely; nightly. fol. 231. for well banisht; welny banisht. fol. 238. for Garny; Grany. fol. 256. for Deuegal; Dongall. fol. 265. Read Prouinces besides.

